



Ohio Administrative Code Rule 742-7-16 Guardianship.

Effective: April 15, 2023

(A) Except as provided in paragraph (E) of this rule, guardianship of the estate shall be required to do any of the following on behalf of a member or benefit recipient who has a legal disability, as defined in division (A) or (D) of section 2131.02 of the Revised Code:

- (1) Apply for retirement or other benefits or payments on behalf of the member or benefit recipient;
 - (2) Elect an annuity payment plan and designate a beneficiary or beneficiaries, but only upon providing a court order approving the selection of the annuity payment plan and beneficiary designation; and
 - (3) Elect, or make any changes to, the payment of benefits or other monies that are due or become due to the member or benefit recipient, but only with a court order authorizing the release of funds or comparable order from another state that directs the payment of the benefits or other monies to be paid to the guardian or to a specific account at a financial institution.
- (B) A guardian of the person is eligible to receive the account information of a member or benefit recipient, but may not make any changes regarding the account.
- (C) A guardian of the estate, the person, or both shall provide OP&F with a copy of the "Letters of Guardianship" issued by the probate court showing his or her appointment as guardian.
- (D) In lieu of guardianship, a court of competent jurisdiction may issue a limited order pursuant to section 2111.02, 2111.021, 2111.05 or 2111.131 of the Revised Code or comparable law from another state that directs OP&F to issue a member or benefit recipient's payment to a specific person or entity, and specifies the address and direct deposit routing and account numbers for the financial institution to receive such payment.
- (E) Any benefits or payments that are due a benefit recipient who is a minor may be issued to the



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natural parent caring for the benefit recipient or the legal custodian of the benefit recipient. After the age of eighteen, payments shall be issued directly to the benefit recipient unless the benefit recipient is subject to an ongoing guardianship.