

Ohio Metro Bars Intake Call Guide

**Combined effort of Ohio Metro LRIS:
Akron Bar Association, Cincinnati Bar Association,
Columbus Bar Association, Cuyahoga Bar Association,
Dayton Bar Association, Toledo Bar Association**

Ohio Metro Intake Screening Guide

Table of Contents

Administrative Law	Page 1
Contest of Election	
Education	
Educational and School Issues	
Environmental	
First Amendment	
Fraud	
Government	
Military	
Municipal	
Soldiers/Sailors Relief Act	
Benefits	Page 3
ERISA/Benefits	
Retirement Funds/Pensions/ERISA	
Social Security	
Unemployment	
Workers' Compensation	
Civil Rights	Page 4
ADA	
Discrimination	
False Arrest	
Class Actions	Page 6
Class Actions	
Consumer Law	Page 7
Auto	
Construction Contractor	
Home	
Retail	
Employment/Labor Law	Page 8
Education	
Discrimination	
Employer/Employee	
Employment/Labor Law	
ERISA/Benefits	
Labor/Union	
Non-Compete/Convenant-Trade Issues	
Sexual Harassment	
Wrongful Discharge	
Family Law	Page 10
Custody/Visitation (post divorce)	
Child Support (post divorce)	
Child Support (juvenile)	
Dissolution	

Divorce	
Domestic Violence	
Juvenile (custody/visitation)	
Parentage (juvenile)	
Financial Law	Page 12
Bankruptcy	
Bankruptcy, Chapter 7	
Collections	
Immigration Law	Page 13
Immigration	
Insurance Law	Page 15
Accident/Health	
Home/Fire/Property	
Life/Benefits	
Negligence Tort	Page 16
Car Accident	
Civil Assault	
Dental Malpractice	
Dog Bite	
Legal Malpractice	
Libel/Slander	
Medical Malpractice	
Personal Injury	
Product Liability	
Psychiatric Malpractice	
Slip and Fall	
Wrongful Death	
Probate Law	Page 21
Adoption	
Change of Name	
Guardianship	
Mental Health	
Power of Attorney (Medical or Simple)	
Probate-Revoking Power of Attorney	
Will	
Will Contest	
Trusts	
Real Estate Law	Page 23
Boundary Dispute	
Landlord/Tenant	
Zoning	

Ohio Metro Intake Screening

Administrative Law

CONTEST OF ELECTION:

- Date of election (30 day filing period)?
- Alleged issue?
- If procedural, was it prior to the election?
- What was the outcome of the election?

EDUCATION:

- Are you an employee (then go to Employment/Labor) of the school district or is this concerning your child?
- Does your child have special needs (ADA, disability)? If for suspension, have you appealed? (The child can't be removed from school until resolved is appeal is filed). Immediate counsel is needed for suspensions-the attorney must organize for the hearing.
- Does this issue involve truancy? (If yes, parents must appear in court)

EDUCATIONAL AND SCHOOL ISSUES:

- Parents having problems with their child's school and school board if there is no resolutions, the caller may contact the State Dept. of Education. If the caller still wants to talk to an attorney refer them to an attorney, who handles education and school issues.

ENVIRONMENTAL:

[Exposures causing sickness; land/water contamination/noise and nuisances (Regulated under State & Federal Statutes)]

- What is the alleged damage?
- To a person or property?
- If property, personal or land?
- Who is the perpetrator?
- How is it being done?
- How long?
- Any agency involved? If yes, which one.

FIRST AMENDMENT:

- First Amendment-the right to free speech.
- Who was the person violating the right?
- Was it a public figure of a private individual?
- What about excessive use of force
Wrongful arrest

Ohio Metro Intake Screening

Administrative Law cont.

- Wrongful imprisonment
Unlawful taking of property of property rights.

FRAUD:

- Non-disclosure and/or active concealment-can be listed under any panel.

GOVERNMENT:

[Federal, State and /or Local; false claims, taking of land, claim settlements, emissions, attorney general complaints, land owner obligations, nuisance issues] What is the specific problems? (it may be better referred under a different panel) What steps have you taken? How (oral or written)?

MILITARY:

[Procedural issues; NOT VA Benefits]

MUNICIPAL:

[Municipal Law deals with legislation issues, powers of enforcement (health department/imminent domain), investments/expenditures, and council proceedings (sunshine law)]

- When was the notice/orders, posted on property?
- How many hearings have taken place?
- What is the date of the next hearing?
- Have you filed an appeal?
- In writing?
- Have you requested a copy of the records? (mandatory).

SOLDIERS/SAILORS RELIEF ACT:

- Have you checked with your JAG officer? (Columbus, Ft. Knox, thru your reserve unit)
Locally, have you checked with the Department of Labor (Cleveland)?
- When you left your employ, were you under orders for active duty or did you volunteer?
- How long were you deployed?
- What are/were your orders?
- How long had you previously worked for the company?
- Who was your employer?
- Were you hourly, exempt or contract?
- Your position?

Ohio Metro Intake Screening

Combined effort of Ohio Metro LRIS; Akron Bar Association, Cincinnati Bar Association, Cleveland Bar Association,
Columbus Bar Association, Cuyahoga Bar Association, Dayton Bar Association, Toledo Bar Association

Benefits

ERISA/BENEFITS:

(Employee Retirement Income Security Act) Pensions, Benefits, 401k, any employee benefit plan (FMLA, PDA, ADA, Older Workers Protection Act), COBRA (company sponsored health care, continuation of benefits)

- Who is your employer?
- How many employees does your employer have?
- Do you have a copy of your employee handbook?
- Do you have documentation regarding the benefits you are supposed to have?

RETIREMENT FUNDS/PENSIONS/ERISA:

- Who is the employer?
- What type of retirement plan is it? (401K, Profit Sharing, Traditional Retirement)
- Do you have a copy of Summary Plan Description or explanation of type of benefits you have?

SOCIAL SECURITY:

- Have you applied?
- Were you denied?
- Last denial date?
- Did you appeal?
- Are you working? If yes, how much do you earn? (Age and education level)

UNEMPLOYMENT:

- Who is your employer?
- When did you apply?
- Were you denied?
- Date on denial letter?
- Did you order a complete copy of your file (must have -\$3.00 fee, details on letter)
-

WORKERS' COMPENSATION:

- Have you applied?
- Has other attorneys represented you on this case? How many?
- Date of injury. Kind of injury
- Did you seek medical treatment?
- Were there witnesses?

Ohio Metro Intake Screening Civil Rights

Combined effort of Ohio Metro LRIS; Akron Bar Association, Cincinnati Bar Association, Cleveland Bar Association, Columbus Bar Association, Cuyahoga Bar Association, Dayton Bar Association, Toledo Bar Association

ADA:

Caller: I need a disability attorney. I was a store and could not get to the second floor.
NOTE: Make sure to clarify what kind of disability attorney they are looking for. Clients seem to get confused with the ADA vs. SSD

Staff: What was the location where this occurred?
Caller: It happened at the ABC store downtown
Staff: Can you give me the date and time of day that this occurred?
Caller: It happened last Friday, May 17th about 3:00pm
Staff: Disability/What had to be overcome? (i.e.) was it a walkway, entrance to a building, stairway or what?
Caller: They did not have an elevator and I am not able to get my wheelchair up steps without assistance.
Staff: Ok, let me get you an attorney for the ADA.

DISCRIMINATION:

Caller: I need a discrimination attorney.
Staff: How were you discriminated against?
Caller: It was due to race
Staff: Was the discrimination in the work place?
Caller: No
Staff: Who was the person who allegedly discriminated?
Caller: What do you mean?
Staff: For example, was it a landlord, a contractual relationship or police officer, etc.
Caller: I am a black person and I was in a dept. store and the salesperson just kept following me
Staff: Were you arrested?
Caller: No, but I want them to pay for treating me like that and also the embarrassment caused me/
Staff: Ok, let me refer you to a civil rights attorney
Note: Racial concerns are delicate and should be handled with the utmost consideration and regard for the caller.

**Ohio Metro Intake Screening
Civil Rights cont.**

Ohio Metro Intake Screening

Class Actions

CLASS ACTIONS:

These usually take one of two forms, the client has been contacted by a law firm to invite them to be part of a class and they want to talk to a lawyer to see if that is in their best interest or they are alleging that a wrong has happened to them which has happened to many others and want to create a class. This is partly motivated by the idea that they do not think that they can afford to hire an attorney.

Scenario - Joining a Class Action

Caller: I have received a notice of a class action with regards to my banking fees and I'm not sure whether I should do this.

Staff: Here is the name of a lawyer who handles such matters...

Scenario - Starting a Class Action

Caller: I was at the Greatest Pancake House in the World and they were very slow in waiting on me and when they finally did they acted like I was going to leave without paying. I want to bring a class action suit against them.

Staff: Here is the name of an attorney who handles civil actions of this type. The attorney will have to advise you as to the best way to proceed, once you have told them the facts. The attorney may or may not think that a class action is appropriate.

Ohio Metro Intake Screening

Consumer Law

AUTO:

- New or used car?
- Purchase/Repair dates?
- Name of the dealer or repair shop.
- Have you contacted the dealer/repair shop?
- Had dealer or mechanic offered to fix it?
- What is the value of the claim?
- Have you contacted small claims, BBB and/or Chamber of Commerce?

CONSTRUCTION CONTRACTOR:

- Do you own the real estate?
- Did you pay cash, or borrow to pay the contractor?
- Date of contract; date the contractor quit working.
- What is the problem?
 - work not finished
 - work not done according to the contract
 - work poorly done (poor workmanship)
 - City won't approve the work (not code-compliant)

HOME:

- Paperwork e.g. purchase agreement, warranty, loan papers, etc.?
- Age of house?
- Does the person have an estimate on cost of repair? With respect to consumer law, home repair, name of contractor?
- Does person have estimate on cost of re-doing the work?
- Did you have a contract?

RETAIL:

- Who?
- When?
- Problem/issue
- Did you attempt to return the product?
- Was the product new?
- Is there a guarantee?
- Do you have a copy of the guarantee/warranty?

Ohio Metro Intake Screening

Employment/Labor Law

EDUCATION:

- Are you an employee (then go to Employment/Labor) of the school district or is this concerning your child?
- Does your child have special needs (ADA, disability)? If for suspension, have you appealed? (The child can't be removed from school until resolved is appeal is filed). Immediate counsel is needed for suspensions-the attorney must organize for the hearing.
- Does this issue involve truancy? (F yes, parents must appear in court)

DISCRIMINATION:

- Did you report the problem? In writing?
- Have you filed with EEOC or OCRC? If so, did they issue a right to sue letter?
- Why do you believe you were discriminated against? [gender, age, race, religious affiliation, or disability; do not offer these descriptions/for attorney only] How many employees does your employer have?

EMPLOYER/EMPLOYEE:

(Employer hasn't paid worker-contact Wage and Hour division of Ohio Employment Services; file in small claims-generally, amount owed is too small for attorney action)

- For "Whistler Blower" - Freedom of Speech:
- When did you report the abuse?
- In writing?
- To whom?
- Are federal or state dollars involved?

EMPLOYMENT/LABOR LAW:

- Who is the employer? Public or private?
- When did problem occur?
- Do you have an employment contract?
- Is there a Union at your place of employment? If yes, have you filed a grievance.
- How long employed?
- Is there an employee handbook/manual?
- Are you still employed?
- Hourly or salary?
- Full or Part-time?

ERISA/BENEFITS:

(Employee Retirement Income Security Act) Pensions, Benefits, 401k, any employee benefit plan

Ohio Metro Intake Screening Employment/Labor Law cont.

(FMLA, PDA, ADA, Older Workers Protection Act), COBRA (company sponsored health care, continuation of benefits)

- Who is your employer?
- How many employees does your employer have?
- Do you have a copy of your employee handbook?
- Do you have documentation regarding the benefits you are supposed to have?

LABOR/UNION:

- Do you work for Municipal, County or Federal Government?
- If in union, which union.
- Have you filed a written grievance?

NON-COMPETE/COVENANT-TRADE ISSUES:

- Did you sign a contract?
- Do you have a copy of the contract?

SEXUAL HARASSMENT:

- When?
- By Whom?
- Did you report it?
- When?
- How?

WRONGFUL DISCHARGE:

- Have you found another job?
- Did you apply for unemployment benefits? If so, are you receiving benefits?
- Why do you believe you were terminated?

Ohio Metro Intake Screening

Family Law

CUSTODY/VISITATION (post divorce):

- Establish income
- Who has custody of the children?
if income eligible refer to pro bono
if not, refer to LRIS/Modest means
- Is there domestic violence:
if yes, refer to LSNO
- If low income and client wants to change custody, change visitation...refer to pro bono.
- if other side is using LSNO refer to pro bono

CHILD SUPPORT (post divorce):

- Establish income
- If low income refer to Modest Means
Pro bono and LSNO do not handle
- For modification of Child Support Order and low income...refer to Modest Means

CHILD SUPPORT (juvenile)

- Establish income
- If low income refer to Modest Means
Pro bono and LSNO do not handle
- For modification of Child Support Order and low income...refer to Modest Means

DISSOLUTION:

- Are both parties in agreement
- Establish income
- If low income refer to modest means ...NO pro bono or LSNO

DIVORCE:

- The first thing is to establish income and eligibility.
“Are you presently working?”
“What is your gross income?”
“How many people does that support?”
- According to financial guidelines determine eligibility for pro bono, LSNO and Modest Means.
- Is there domestic violence? If so and within last 60 days refer to LSNO first, then pro bono.

Ohio Metro Intake Screening

Family Law cont.

- If spouse is represented by LSNO and there are minor children of the marriage..refer to pro bono.
- If low income and there are no minor children...refer to Modest Means
- Senior Citizens with low income should be referred to Senior Legal Aid or Modest Means.
If spouse is using senior legal aid...refer to pro bono.
- If client is income eligible, not pregnant, Lucas County residence, has no property ad no minor children of the marriage...refer to pro bono "Pro Ce Divorce Clinic"

DOMESTIC VIOLENCE:

- Establish income
- If low income refer to LSNO
pro bono will take if other side had another attorney

JUVENILE (custody/visitation):

Establish income

- If low income, refer to Modest Means
Pro bono does not handle juvenile custody/visitation unless other side is represented.

PARENTAGE (Juvenile):

- Establish income
- If low income...refer to Modest Means

Pro bono will accept if other side is represented

Ohio Metro Intake Screening Financial Law

Combined effort of Ohio Metro LRIS; Akron Bar Association, Cincinnati Bar Association, Columbus Bar Association, Cuyahoga Bar Association, Dayton Bar Association, Toledo Bar Association

BANKRUPTCY:

- Do you own property?
- Do you have assets?
- What is the source of your income?
- Do you anticipate inheriting money/winning lottery/receiving money, land or other assets?

BANKRUPTCY LAW:

SPECIFICALLY CHAPTER 7:

- Have you filed a Bankruptcy case previously? If so, when and where?
- What types of debts do you have (credit card, hospital or doctors bills, automobile loan, delinquent mortgage payments)?
- Do you owe taxes to any taxing authority? If so, to whom, and approximately when was tax debt incurred?

/creditor - Issues concerning a person to whom money is owed.

Collections/debtor - Issues concerning a person that owes money.

COLLECTIONS:

- Make sure you know if the caller wants funds collected or if funds are being collected from the caller. (Most collections attorneys do not work both sides. Consumer law is the proper area to refer a person from whom a debt is being collected).
- Being charged for repairs that didn't happen.

Ohio Metro Intake Screening Immigration

IMMIGRATION:

The attorney reports that immigration questions really have not changed much. The categories are as follow:

1. Business - The call usually wants "labor certification", a "work permit" or an "H-1" visa. Often a student about to graduate from the university with a degree. Rarely, it might be a person wanting to invest.
2. Asylum - this is pretty obvious. The caller says he wants asylum or refugee status. Might say he is afraid to go back but usually knows what he wants.
3. Family Petition - American marrying a foreign national. Wants to apply for a "green card" or "permanent residence". Sometimes the alien is illegal but the process is still the same with perhaps extra filings.
4. Deportation or Removal - Often a criminal charge but might just be a status violator. Any reference to seeing the Immigration Judge puts it in this category. After 9/11, we are seeing more of these.

Another attorney from the same firm submitted the following questions regarding immigration:

1. Ask the client what is their legal status and what are you trying to do? You can also ask the individual if he or she is before an Immigration Judge.

A) If not before the Immigration Judge you can ask,
are you calling about work authorization? (Employment issues)
do you have family here or are married to a US resident? (Family issues)
are you afraid to return to your country? (Asylum issues)

B) If they are before the Immigration Judge, it means that they are in deportation proceedings. A foreign national can be placed into Deportation for overstaying a visitor visa; committing certain crimes.

Finally, we offer this suggestion regarding criminal referrals. One of the first questions you should ask is whether the person is US citizen. Certain misdemeanor offenses and the majority of felonies can place a non-US citizen into Deportation proceedings if convicted. Since

Ohio Metro Intake Screening

Immigration cont.

9/11, INS has been appearing at criminal dockets for some non-US citizens.

Ohio Metro Intake Screening Insurance Law

ACCIDENT/HEALTH:

17. The Insurance Co. I'm dealing with is refusing to pay my medical bills.

What type of claim do they have?

Is the employer responsible for paying for insurance?

Was the accident work related?

yes...refer to workers comp attorney

no..do you have a copy of the policy or a summary of benefits.

(Attorney will want to see that) refer to Accident/Health attorney

Other questions that may apply:

what type of coverage does caller have.

HOME/FIRE/PROPERTY:

Most issues in dealing with Home, Fire and Property insurance is pretty cut and dry. Below are some of the issues you may hear.

17. We had a house fire and our insurance said we weren't covered, but my policy shows we should be.

17. It's been three months and our insurance company hasn't began the cleanup since the water damage.

LIFE/BENEFITS:

If a caller contacts the LRIS regarding Life and Benefits Insurance the intake person should ask if an employer provides the insurance or is it purchased by the caller.

The first question should be ... Did you purchase your policy or is it provided by the employer?

The Policy is provided by the employer and the issue deals with long-term disability or any issues where income has been reduced by injury or illness the caller should be referred to an attorney who handles EISA issues.

If the insurance is purchased by the caller or deals with other issues refer the caller to an attorney who handles Life and Benefit issues.

Ohio Metro Intake Screening Negligence Tort cont.

CAR ACCIDENT:

The quality of the case will turn on the seriousness of the injuries, liability, and how collectible is the defendant (insurance).

When did the accident happen? Recently	If an old case/nominal injuries refer but don't record
Was the other driver ticketed?	No, if caller was ticketed and hasn't been to court refer to criminal-traffic with debtor experience
Did the other driver have insurance? Yes	No, refer to victim of crime attorney
Were you injured? Yes	No, refer to property damage attorney if other driver at fault.
If serious injury and/or significant medicals experienced P/I attorney	If minor injuries newer Refer to medicals P/I attorneys
Before making referral verify that attorney is available to take call-mark for follow-up	

CIVIL ASSAULT:

The quality of a civil assault case turn on how serious were the injuries and the relative innocence of the victim in the assault.

Was there a police report filed?	No, P/I attorney don't record
----------------------------------	-------------------------------

DENTAL MALPRACTICE:

18. Briefly describe what you believe to be the "malpractice"
19. When did this malpractice occur?
20. When did you discover the "malpractice"?
21. When did you last treat with the dentist who committed this "malpractice"?
22. Where (county and state) did you receive treatment from the dentist?
23. Have you seen another dentist about the problem in questions?
24. Has the problem created by the "malpractice" been corrected and if so, by the same

Ohio Metro Intake Screening

Negligence Tort cont.

dentist who caused it or by another dentist?

25. If the problem caused by the "malpractice" has been remedied, what was the cost to you for the additional services?
26. If the problem has not been corrected, have you been informed as to whether or not it can be corrected and if so, the cost?
27. Have you discussed the matter with the dentist who caused the problem or the State Dental Board and if so, what were the results?
28. Have you consulted with any other attorneys concerning this matter and if so, the result.

DOG BITE:

The quality of the case will turn on the seriousness of the injury, the culpability of the victim how collectible is the defendant (homeowner's ins).

What happened?

Nominal injury, scratches, scared, refer to new P/I lawyer.

Serious injuries, need plastic surgery. Refer to experienced personal injury lawyer.

LEGAL MALPRACTICE:

29. NAME of the lawyer accused of malpractice. (Are you willing to tell me who the attorney is?)
30. LOCATION of the alleged malpractice (did it occur in _____ County?)
31. WHEN did the malpractice take place, or
32. WHEN the plaintiff first BECAME AWARE of the possible malpractice.
33. WHAT did the lawyer DO/FAIL TO DO that is being alleged as malpractice?
34. WHAT, exactly are the DAMAGES being alleged, or
35. HOW has the plaintiff been HARMED by the malpractice?
36. WHAT was the original action?

Ohio Metro Intake Screening Negligence Tort cont.

LIBEL/SLANDER:

- When?
- When?
- Where?
- What was said?
- How were you affected/damage done?
- If work related, what is your job (or role)?

MEDICAL MALPRACTICE:

- When did the malpractice happen?
- Whom do you claim committed the malpractice?
- When did the patient last treat with that medical provider for that condition?
- When did you first discover the malpractice?
- Briefly, what did the medical provider do that you claimed was malpractice? For example, was it a diagnostic, surgical or treatment error?
- Briefly, how was the patient injured by the malpractice?
- Has another medical provider stated that this was malpractice?

Note: The attorney indicated that the above questions are asked regularly by their secretaries and paralegal prior to meeting with the attorney.

PERSONAL INJURY:

- Were you injured?
- Are you insured?
- Was the other party at fault?
- Was the other party cited?
- Is the other party insured?
- What was the date of the accident?
- What state and county did this occur?

Note: The attorney indicated that the above questions are asked regularly by their secretaries and paralegal prior to meeting with the attorney.

PRODUCT LIABILITY:

Per the parameters that questions should be designed to elicit only a “yes or no” response. The following list is based upon that assumption.

- Were you engaged in inspecting, examination of, cleaning or repairing the product at the

**Ohio Metro Intake Screening
Negligence Tort cont.**

time of the occurrence?

- Were you using any objects or tools on the product at the time of the occurrence?
- Were you carrying or holding anything at the time of the occurrence?
- Are you in possession of an owner's manual, instruction manual, booklet or pamphlet?
- At the time of the occurrence, were you under any physical, mental or other incapacity?
- Was the product purchased in (state name)?
- Are you currently in possession of the product?
- Was the product used in (state name)?
- Is your state of residence (state name)?
- Prior to the occurrence, had you come into contact with or used the product?
- Within one hour prior to the occurrence, had you had any difficulties with or any unusual actions of the product?
- Do you claim that the actions or activities of any other person contributed to the injury?
- Have you made any settlement or compromise of any action arising from the occurrence?
- Has any form of notice of this action been given to any person who may be liable for any damage?
- Has any person made any claim against you from the occurrence?
- Has any suit been filed in this matter?
- Have you been served with any summons and complaint relative to this matter?
- Did any third party help or supervise you in the use of operation of the product at the time of the occurrence?
- Did you purchase the product in other than a new condition?
- Was the product repaired, used as a floor model, or second hand?
- Have you purchased similar products before?
- Did you purchase similar products in the same place or store?
- Do you have a sales receipt, bill of sale, or other evidence of purchase?
- Have you had communications with manufacturers, suppliers or sales personnel?

PSYCHIATRIC MALPRACTICE:

- Was the person you claim (or assert) to have harmed you providing mental health care to you?
An answer in the negative would tend to suggest it isn't a case).
- Did you sustain (or suffer) any damages? Meaning, did you "lose" anything?" (An answer in the negative would tend to suggest it is not a case).
- Was there ANY physical contact between you and the provider?" (An answer in the

**Ohio Metro Intake Screening
Negligence Tort cont.**

affirmative indicates it is a potential case).

- Did the provider prescribe medication that caused you injury or death (well, you know, death to the person provided with the care?) (An answer in the affirmative indicates it is a potential case.)
- Did the provider encourage/force/strongly suggest you quit your job, change religions, divorce, give large sums of money to someone else?" (An affirmative answer would indicate a potential case).
- Did your provider disclose confidential information to someone else? (Again, an affirmative answer would indicate a potential case).

SLIP AND FALL:

The quality of the case will turn on the seriousness of the injuries and the negligence of the property owner.

When did the accident happen?

Recently

Were you injured?

If an old case/nominal injuries refer P/I but don't record

Nominal injury, refer to P/I attorney do not record
 Serious injury and/or significant medicals refer to experienced P/I attorney

Before making referral verify that attorney is available to take calls-mark for follow-up.

WRONGFUL DEATH:

In case of wrongful death be sure to ask for the name of the decedent.

Caution: When handling cases with significant trauma handle caller with care even if there may be very little quality to the case. This is frequently a painful story to tell, do not probe and deeper than necessary to make an appropriate referral.

Ohio Metro Intake Screening Probate

ADOPTION:

Family Member Adoption - Caller wants to adopt a family member.

If parent(s) are deceased refer caller to an adoption attorney.
If parent(s) are not deceased and want family member to adopt the child....refer to adoption attorney.
If parent(s) want to have child temporarily live with relative for school purposes refer caller to custody attorney.

Step Parent Adoption -

Check with Probate Court regarding adoption rules. In Dayton, OH according to local rules a couple must be married a year prior to adoption hearing. Refer to Adoption attorney.

* once adoption case is closed under adoption you may want to delete or change the name.

CHANGE OF NAME:

If the caller wants to change her name due to a divorce and has been divorced under six months she can be referred back to her divorce attorney or to an attorney who handles divorces and name changes.

If it's been longer than six months or the person just wants to change name (due to maybe being adopted and wanting to change to birth name) refer to an attorney who handles change of name.

GUARDIANSHIP:

- Is everyone in agreement?
- Do you want to contest a guardianship?
- Do you have a guardian now?

MENTAL HEALTH:

If the caller is in the hospital against his/her will they must contact the patient advocate at the hospital. A hearing will be set up and the court will contact an attorney on their behalf.

It's ok to refer after the client is out of the hospital.

Ohio Metro Intake Screening Probate cont.

POWER OF ATTORNEY (MEDICAL OR SIMPLE):

- If person make decisions for himself and sign the forms? (If no refer to an attorney who

- handles guardianships, if yes refer to an attorney who handles power of attorney)
- Does the person need a power of attorney for medical decisions or general decisions such as paying bills, banking etc? Refer appropriately to either an attorney who handles medical power of attorney or general power of attorney.

PROBATE - REVOKING POWER OF ATTORNEY:

Death will revoke any power of attorney

A durable power of attorney will cover a person if they are incapacitated.

Probate Estate: Along with the callers name always get the name of the estate.

Refer to a Probate Estate Attorney whether or not a will was left.

WILL:

Caller needs to have a will written.

If the estate is small refer to a simple will attorney. (Under 1 mil)

If the estate is sizable refer to a complex will attorney. (Over 1 mil)

WILL CONTEST:

The person contesting the will must have an interest in the will or estate. If the person does not have an interest in the estate they cannot be referred.

TRUSTS:

Caller needs to make a trust

If the estate is small refer to a simple trust attorney. (Under 1 mil)

If the estate is sizable refer to a complex trust attorney (Over 1 mil)

Ohio Metro Intake Screening Real Estate Law

Is your problem with a

- a. realtor?
- b. new home contractor?
- c. remodeling contractor?
- d. home improvement contractor?

Combined effort of Ohio Metro LRIS; Akron Bar Association, Cincinnati Bar Association, Columbus Bar Association, Cuyahoga Bar Association, Dayton Bar Association, Toledo Bar Association

- e. landlord?
- f. encroaching structure?

BOUNDARY DISPUTE:

- Does client have survey? If so, when was it performed and by whom?
- What led to the dispute?
- Did client or opposing party know about the potential dispute before developing the property (this is critical to establishing a defense of laches).

LANDLORD/TENANT:

- What city is the property in?
- Is the property commercial or residential?
- Is client landlord or tenant?
- Is there a date set for eviction hearing?
- If client is tenant, is he/she current in rent payments?
- What is landlord's asserted reason for eviction?
- Does tenant have any facts showing that landlord is lying about the reason (e.g. landlord claims tenant is behind in rent but eviction might have been motivated by retaliation because tenant reported landlord to city inspectors)?

ZONING:

- What city is the property in?
- Commercial or residential?

Combined effort of Ohio Metro LRIS; Akron Bar Association, Cincinnati Bar Association, Columbus Bar Association, Cuyahoga Bar Association,
Dayton Bar Association, Toledo Bar Association