

COURT OF APPEALS OF OHIO, FIRST APPELLATE DISTRICT, HAMILTON COUNTY

In re Guardianship of Foust

2025-Ohio-5833 · No. C-250148 · Decided December 31, 2025

SUMMARY

The First District Court of Appeals of Ohio affirmed the probate court’s denial of Kristian Guntzelman’s application to serve as guardian of Dixie L. Foust. The court held that the probate court acted within its discretion based on evidence concerning suspicious trust expenditures and self-dealing, and further held that Guntzelman lacked standing to challenge the appointment of separate guardians for Dixie’s person and estate.

CASE DETAILS

COURT	Court of Appeals of Ohio, First Appellate District, Hamilton County
WRITING FOR THE COURT	Moore, J.; Kinsley, P.J.; Nestor, J.
JURISDICTION	Court of Appeals of Ohio, First Appellate District, Hamilton County
DECIDED	December 31, 2025
DOCKET	C-250148
DISPOSITION	affirmed
PROCEDURAL POSTURE	Kristian Guntzelman appealed from the Hamilton County Court of Common Pleas, Probate Division's judgment denying his application to serve as guardian of Dixie L. Foust and appointing separate guardians for her person and estate.
STANDARD OF REVIEW	Appointment of a guardian is reviewed for abuse of discretion. A judgment appointing a guardian will not be reversed when supported by competent and credible evidence; legal issues are reviewed de novo.
PRECEDENTIAL VALUE	published
PARTIES	Kristian Guntzelman v. Randy Foust

TOPICS

- guardianships
- guardianship procedure
- appellate procedure
- appellate jurisdiction
- elder law

PRACTICE AREAS

guardianship

probate

appellate procedure

QUESTIONS PRESENTED

1. Whether the probate court abused its discretion by denying Guntzelman's application to serve as guardian despite his designation as Dixie Foust's preferred guardian in a power of attorney.
2. Whether Guntzelman had standing to challenge the probate court's appointment of separate guardians for Dixie Foust's person and estate.

HOLDINGS

1. The probate court did not abuse its discretion in denying Guntzelman's application because the evidence supported its determination that he was not a suitable guardian and that denial served the ward's best interests. A ward's nomination or preferred-guardian designation does not bind the probate court when the court determines, based on the totality of the circumstances, that the nominee is not suitable.
2. Guntzelman lacked standing to challenge the probate court's appointment of separate guardians because he did not show that the order adversely affected or prejudiced him. The court therefore did not consider that argument.

KEY QUOTATIONS

“A probate court’s appointment of a guardian is reviewed for an abuse of discretion.” (¶ 20)

““Best interests” means the permanent welfare of the ward in his relation to society in view of all the circumstances.” (¶ 27)

“To be an “aggrieved party” with standing to appeal, a party must show they have an interest in the matter and that they were prejudiced by the lower court’s judgment.” (¶ 29)

FACTUAL BACKGROUND

Dixie L. Foust was a 71-year-old woman with dementia living in an assisted-living facility. Her stepson, Kristian Guntzelman, was named as a preferred guardian in a 2020 power of attorney and applied to become guardian of her person and estate, while her brother, Randy Foust, filed a competing application. Evidence showed that Guntzelman had used trust assets in connection with real-estate purchases and a \$154,000 luxury vehicle, transactions that investigators and the magistrate viewed as suspicious or potentially self-dealing. The probate court concluded that Guntzelman was not suitable to serve as guardian and arranged for separate guardians.

PROCEDURAL HISTORY

Guntzelman and Randy Foust filed competing applications to serve as guardians of Dixie Foust. After hearings, the magistrate denied Guntzelman's application, denied Randy's application to manage the estate, appointed Randy as guardian of the person, and determined that a third party should serve as guardian of the estate. The probate court overruled Guntzelman's objections and modified the decision by determining that a separate third party should serve as guardian of the person as well. The court of appeals affirmed.

DISPOSITION

affirmed

CASES CITED

- In re T.E., 2024-Ohio-3410, ¶ 14 (1st Dist.)
- In re Guardianship of Waller, 2011-Ohio-311, ¶ 16 (1st Dist.)
- Garry v. Borger, 2023-Ohio-905, ¶ 14 (1st Dist.)
- Berk v. Matthews, 53 Ohio St.3d 161, 169 (1990)
- Rover Pipeline, L.L.C. v. Harris, 2025-Ohio-2806, ¶ 27
- In re Myers, 2017-Ohio-603, ¶¶ 42, 50-56 (5th Dist.)
- In re Guardianship of Keane, 2020-Ohio-1105, ¶ 62 (7th Dist.)
- Schneider v. Kelley, 2004-Ohio-1378, ¶¶ 17-20 (7th Dist.)
- In re Baker, 2024-Ohio-2350, ¶ 37 (4th Dist.)
- In re Guardianship of Santrucek, 2008-Ohio-4915, ¶ 5
- In re Guardianship of Love, 19 Ohio St.2d 111, 115-116 (1969)
- Travelers Property Cas. Corp. v. Chiquita Brands Internatl., Inc., 2024-Ohio-1775, ¶¶ 46-47 (1st Dist.)
- Willoughby Hills v. C.C. Bar's Sahara, 64 Ohio St.3d 24, 26 (1992)
- Ohio Contract Carriers Assn., Inc. v. Pub. Util. Comm., 140 Ohio St. 160, 161 (1942)

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