

PROBATE COURT OF BUTLER COUNTY, OHIO
BUTLER COUNTY PROBATE COURT

Procedure For: SETTLEMENT OF CLAIMS FOR INJURY TO MINORS

Standard Probate Form Number: 22.0

Date Last Reviewed: 07/05/2006

Upon the filing of a Form 22.0, Application to Settle a Minor's Claim and Entry Setting Hearing, a review of the contents of the filing is done before the matter is set for hearing.

1. Application Review Checklist Before Setting a Hearing Date
 - a. Is the birth certificate filed?
 - b. Is a narrative statement of the occurrence filed?
 - c. Is a statement by a physician, concerning the minor's prognosis filed?
 - d. Is a list of unreimbursed medical expenses and the proposed payees filed?
 - e. Is an application to approve the contingency fee agreement and the agreement itself filed?
 - f. Is the itemization of suit expenses filed?
 - g. Is the applicant a proper party?
 - i. An application for settlement of a minor's claim shall be brought by the guardian of the estate.
 - ii. If there is no guardian appointed and the court dispenses with the need for a guardian, the application shall be brought by the parents of the child, the parent, or other individual having custody of the child. Sup R. 68
 - h. Does a noncustodial parent need to be notified of the hearing?

The noncustodial parent or parents shall be entitled to 7 days notice of the application, regardless of their county of

residence, to settle the minor's claim which notice may be waived. Sup R. 68

- i. If the gross settlement is \$25,000 or more AND is invested in an annuity, an Application to Dispense with Bond and an Application to Waive Accounts may be filed.
- j. If the gross settlement is less than \$25,000 an Application For Deposit of Minor's Funds Without Appointment of Guardian must be filed and a \$200 signature bond.

2. Docketing Checklist After the Hearing

a. Gross Estate is Less Than \$25,000

- i. Form 22.3, Verification of Receipt and Deposit, is to be filed by the attorney (not the applicant) within seven days from the date of the entry approving the minor settlement, pursuant to Sup. R. 67(C).
- ii. Form 22.4, Distribution Report, is to be filed within 30 days of the settlement's approval (not required for inheritances).
- iii. If the Magistrate conducts the hearing, the Magistrate will docket, as a paper hearing, the due dates for Forms 22.3 and 22.4.
- iv. If the Judge conducts the hearing, the clerk shall docket, as a paper hearing, the due dates for Forms 22.3 and 22.4.

b. Gross Estate More Than \$25,000

- i. Form 22.4 Distribution Report, is to be filed within 30 days of the settlement's approval (not required for inheritances).
- ii. If the estate is invested in stocks, bonds, an insured credit union or savings bank, bond, inventory and accounts must be filed according the statute.