

INSTRUCTIONS FOR DISPENSING WITH APPOINTMENT OF GUARDIAN ALL FORMS MUST BE TYPEWRITTEN

These instructions are being provided as a public service of the Butler County Probate Court, and are intended as a guideline only. Depending on the circumstances of each case, additional steps may be required that are not listed below.

Please review the forms used to Dispense with the Appointment of a Guardian, the clerks are not attorneys and therefore cannot answer legal questions or assist you in completing the forms or deciding which forms apply to your situation.

The documents that you file must be typewritten, legible AND completed in their entirety.

(Forms on our web site may be filled in prior to printing) Illegible or incomplete documents may be refused for filing or if filed, could result in your application being denied, delayed or dismissed.

Where a minor is entitled to receive assets from an insurance policy where he/she is the named beneficiary, from an estate where he/she is entitled to inherit, or from a wrongful death settlement and those funds do not exceed \$25,000, the natural parent(s) or person having custody of the minor may file an Application to Dispense with Appointment of Guardian in the Probate Court of the **county where the minor resides**. Only one minor may be listed on each application.

A copy of the minor's birth certificate must be attached to the Application to Dispense with Appointment of Guardian.

If the application requests that in lieu of depositing the funds, the funds be delivered to the minor, the custodian, the natural parent, or the executive director in charge of children services then a narrative statement must be attached to the application setting for the reasons.

The Entry Dispensing with Appointment of Guardian Ordering Deposit or Delivery must be presented to the clerk with the Application. The Magistrate or Judge will review the paperwork will either sign the entry or schedule it for a hearing. A deputy clerk will contact you after it is reviewed. **If a hearing is required, the attorney, applicant and child must appear and the attorney or applicant must give at least seven days' notice of the hearing to any non-custodial parent who has not waived notice of the hearing.**

Pursuant to Ohio Rule of Superintendence 67(C), after the entry is approved the attorney for the applicant or the attorney for the insurance company shall be responsible for depositing the funds and for providing the financial institution with a certified copy of the entry. The attorney shall also obtain a Verification of Receipt and Deposit (Standard Probate Form 22.3) from the financial institution and file the form with the court within seven days from the issuance of the entry.

R.C. 2109.41 requires the deposit of the minor's funds be in a bank, savings bank, savings and loan association, or credit union located in Ohio.

A filing fee of \$ 53.00 is required and must be paid at the time of filing the Application. Please confirm the amount with the cost clerk (513/887-3304). This fee must be paid in cash, check, or money order. If you are filing a minor settlement with this packet, please contact the court for the deposit amount.

LEGAL PRACTICE IN THE PROBATE COURT IS RESTRICTED BY LAW TO ATTORNEYS WHO ARE LICENSED BY THE SUPREME COURT OF OHIO. IF AN INDIVIDUAL WISHES TO HANDLE HIS OR HER OWN CASE, THAT PERSON MAY ATTEMPT TO DO SO, HOWEVER DUE TO THE COMPLEXITY OF THE LAW AND DESIRE TO AVOID COSTLY ERRORS, MOST INDIVIDUALS WHO HAVE MATTERS BEFORE THE COURT ARE REPRESENTED BY AN ATTORNEY.

IF YOU CHOOSE TO REPRESENT YOURSELF AND USE THE COURT'S FORMS, PLEASE BE ADVISED THAT STATE LAW PROHIBITS THE JUDGE, MAGISTRATE AND EMPLOYEES OF BUTLER COUNTY PROBATE COURT FROM PROVIDING YOU WITH LEGAL ADVICE OR ASSISTING YOU IN THE SELECTION OR PREPARATION OF LEGAL FORMS. IF YOU NEED ADDITIONAL ASSISTANCE YOU WILL NEED TO CONTACT AN ATTORNEY OF YOUR CHOOSING.