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 and instructions carefully. The clerks are not attorneys and therefore cannot answer legal questions or assist you in choosing and/or completing the forms that apply to your situation.

The documents that you file must be typewritten, legible, *AND* completed in their entirety. Forms on our website 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.

An Application to Dispense with Appointment of Guardian is used when a minor is entitled to receive funds that do not exceed $25,000 after payment of fees and expenses. The natural parent(s) or person having custody of the minor may file the Application to Dispense with Appointment of Guardian in the Probate Court of the ***county where the minor resides***. The funds could be 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. If the child is receiving funds due to an injury they received please review the instructions for a minor settlement available on our website.

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 funds not be deposited but delivered, then a narrative statement must be filed at the time of filing the application.

The Entry Dispensing with Appointment of Guardian Ordering Deposit or Delivery must be presented to the clerk with the Application. A Judicial Officer will review the paperwork and determine if a hearing is necessary. **If a hearing is required, the attorney, applicant, and child must appear. The attorney or applicant is responsible for giving 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 copy of the entry. The attorney is also responsible for obtaining a Verification of Receipt and Deposit (Form 22.3) from the financial institution and filing 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 a credit union located in Ohio.

A filing fee if $ 130.00 is required at the time of filing the Application. Please confirm the amount with the clerk prior to filing. This fee must be paid in cash, check, or money order. If you are filing a minor settlement, 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.

PROBATE COURT OF BUTLER COUNTY, OHIO
JOHN M. HOLCOMB, JUDGE

IN THE MATTER OF: _____

CASE NO. _____

APPLICATION TO PAY OR DELIVER ESTATE OF A MINOR WITHOUT APPOINTMENT OF A GUARDIAN

[R.C. § 2111.05]

Applicant states that _____, is a minor, born _____

residing at _____

in this County. Said minor is entitled to receive assets in the amount of $_____, which amount does not exceed twenty five thousand dollars ($25,000), further described as follows: _____

Applicant states that there is no legal guardian of the estate.

A copy of the birth certificate is attached.

The names and addresses of the minor's parent and natural guardians are:

Mother: _____

Father: _____

If the parents are deceased, disabled, or their whereabouts are unknown, _____

who resides at _____

is the person by whom the minor is maintained.

Applicant further asks that the funds be: [check one]

** ☐ (1) delivered to the minor.

** ☐ (2) delivered to the custodian of the minor.

** ☐ (3) delivered to the natural guardian of the minor.

** ☐ (4) delivered to the executive director responsible for children services.

☐ (5) deposited in a financial institution authorized to receive fiduciary funds for the minor.

**For 1, 2, 3 or 4, attach a narrative statement setting forth the reasons.

The applicant acknowledges that he or she may be subject to criminal penalties for improper conversion of any property held on behalf of the minor.

_____	_____
Attorney for Applicant	Applicant
_____	_____
Typed or Printed Name	Typed or Printed Name
_____	_____
Address	Address
_____	_____
_____	_____
Phone number (include area code)	Phone number (include area code)

Attorney Registration No. _____

PROBATE COURT OF BUTLER COUNTY, OHIO
JOHN M. HOLCOMB, JUDGE

IN THE MATTER OF _____

Case No. _____

ENTRY DISPENSING WITH APPOINTMENT OF GUARDIAN AND ORDERING DEPOSIT OR DELIVERY

The Court finds upon the application to dispense with the appointment of guardian for _____, a minor who resides in Butler County, Ohio, the estate of said minor is twenty-five thousand or less, and a guardianship is not necessary.

Therefore, the Court orders the appointment of guardian is dispensed with, and that the property of said minor, in the sum of $_____ dollars, be delivered or deposited as follows;

- ☐ delivered to _____, the minor.
- ☐ delivered to _____, as the person by whom the minor is maintained.
- ☐ delivered to _____, as natural guardian of the minor.
- ☐ delivered to the executive director responsible for the administration of children's services.
- ☐ deposited in the name of the minor with a depository authorized to receive fiduciary funds.

None of said funds, in whole or in part, shall be released by the depository without a court order until said minor attains the age of majority. Said attorney shall file the Verification of Receipt and Deposit (Form 22.3) with this Court, evidencing that said deposit has been made, within seven days after receipt of the funds.

_____ _____

Date Probate Judge/Magistrate

NOTICE TO COUNSEL FOR INSURANCE COMPANIES DISBURSING LIFE INSURANCE PROCEEDS OF TEN THOUSAND DOLLARS OR LESS TO MINORS RESIDING IN OHIO:

Pursuant to Rule 67(C) of the Rules of Superintendence for the Courts of Ohio, "The attorney shall be responsible for depositing the funds and for providing the financial institution with a copy of the entry. The attorney shall 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."

You are hereby put on notice that the insurance proceeds you are disbursing, if Twenty Five Thousand Dollars or less, are not to be released to a natural parent and must be deposited in a financial institution meeting the requirements of Ohio Revised Code 2109.41. The natural parent of the minor may specify the financial institution, without additional court approval, as long as the institution is in Butler County Ohio and complies with R.C. 2109.41.

The Verification of Receipt and Deposit (Form 22.3) is available on the Butler County Probate Court's web site at www.probatecourt@bcohio.gov

PROBATE COURT OF BUTLER COUNTY, OHIO
JOHN M. HOLCOMB, JUDGE

IN THE MATTER OF _____

CASE NO. _____

VERIFICATION OF RECEIPT AND DEPOSIT

Pursuant to Court order, the sum of $ _____ was deposited with

_____ on the _____ day of _____ , _____

as evidenced by the Savings/Certificate of Deposit Account Number _____.

This account is held solely in the name of _____ , a minor,

whose Social Security Number is _____.

By accepting said deposit for said minor, this institution agrees that said deposit, together with accumulated interest, shall be held and no part thereof released until minor attains the age of majority or upon further order of this Court.

_____
Financial Institution

By _____
Authorized Officer

_____
Typed or Printed Name

_____
Phone Number

_____
Date