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.**

The attorney is 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.