INSTRUCTIONS FOR APPOINTMENT OF GUARDIAN OF A MINOR

All forms must be typewritten (forms on our web site can be filled in before printing)

These forms are being provided as a public service of the Butler County Probate Court, and are intended as a guideline only, not as a comprehensive list of duties. If you choose to represent yourself and use these forms, please be advised that state law prohibits the staff of Butler County Probate Court from providing legal advice. If you find you need assistance, please contact an attorney of your choosing or the Butler County Bar Association Lawyer Referral Service at (513) 896-6671.

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 documents being denied, delayed or dismissed.

Only submit one set of original document(s) to the Court for filing, the Court will affix a time stamp to the original document(s) and provide the filer with one complimentary copy of each filing. Any additional copies of document(s) submitted will be returned to the filer if an envelope large enough and with sufficient postage is provided. If no envelope is provided, additional copies will be discarded by the Court.

A person must apply to be Guardian of the Estate of a Minor when the proposed minor ward has received more than $25,000 in assets or the assets are structured in nature. If appointed, the Court will grant you power to manage the financial affairs of the ward. You must keep the ward's assets separate from your own.

The minor *must* be a resident of Butler County.

You cannot file an application for guardianship over a minor's person if the minor's parents are divorced or if there has ever been a custody order from Juvenile Court. You must contact either the Domestic Relations Court or Juvenile Court under these circumstances.

Guardianship will not be awarded for school purposes and normally will not be awarded for the person only; you will need to contact Juvenile or Domestic Relations Court.

Service of Notice of Hearing on Appointment of Guardian will be issued to the minor if required by the Court.

Service of Notice of Hearing on Appointment to the next of kin must be served by the applicant or the attorney for the guardianship. **The attorney or applicant must file proof of service (green cards) with the Court at least seven days prior to the scheduled hearing.**

The attorney, applicant, and minor ward ***must*** appear at the hearing on the appointment

All applicants must complete a background check from law enforcement, submitting the Webcheck Fingerprint Information form.

Prior to Letters of Guardianship being issued, bond (Form 15.3) must be executed and filed for no less than double the probable value of the personal property and annual real property rental income (any asset other than real estate). Depending on the circumstances of your case, an Application and Entry for Deposit in Lieu of Bond (BC 405 & BC 406) may be acceptable in in lieu of bond being posted.

A filing fee of $180.00 is required at the time of filing. If a Minor Settlement is also required, the filing fee is $225.00. Please confirm the amount since filing fees may have changed subsequent to the publication of this instruction sheet. This fee may be paid in cash, check, money order, or credit card.

Complete the following forms:

Application for Appointment of Guardian of Minor (Form 16.0)
Next of Kin of Proposed Ward (Form 15.0)

- List the next of kin of the proposed ward (those who would inherit if the ward died intestate).
- You must specify complete street addresses for all next of kin (no P.O. Boxes) and dates of birth for any minors.

Statement of Permanent Address (BC 721)
Waiver of Notice and Consent (Form 15.1)

- If possible, have all next of kin listed on Form 15.0 who are over the age of 18 years sign a waiver.
- If unable to obtain waivers, you must issue certified mail notice to those who did not sign a waiver.

Affidavit of Guardian Applicant (Form 66.05)

- Applicant must complete and have notarized.
- Applicant must notify the Court within seventy-two (72) hours of any change in the information on the affidavit.

Authorization to Release Confidential Information (BC 500)

- Must be completed, signed, and filed by all applicants with the Application for Appointment of Guardian.

Selection of Guardian by Minor Over Fourteen Years of Age (Form 16.2)

- A minor over the age of fourteen (14) must select a guardian.

Guardian's Bond (Form 15.3)

- When applying for Appointment of Guardian, the applicant must execute a bond for double the probable value of the personality and annual real estate rentals. Under some circumstances, an Application & Entry for Deposit in Lieu of Bond (BCPC 405 & BCPC 406) may be filed and granted in lieu of posting a bond.
- Bond must be executed by the fiduciary and surety company ***prior*** to filing with the Court and an ***original*** power of attorney document executed by the bonding company must be attached to Form 15.3.

Fiduciary's Acceptance (Form 15.2)

NOTE: A HEARING WILL NOT BE SCHEDULED IF ALL OF THE ABOVE ARE NOT COMPLETED IN THEIR ENTIRETY AND SIGNED AND WITNESSED WHERE APPLICABLE

Judgment Entry Setting Hearing on Application for Appointment (Form 15.01)

- The clerk will fill in the date and time of the hearing.

Notice of Hearing for Appointment of Guardian of Minor (Form 16.3)

- Personal service must be completed on minors who are fourteen (14) years of age or older.

Notice of Hearing on Application for Appointment (Form 16.4)

- The attorney of applicant for guardianship is responsible for all service of notice of hearing.
- The biological parent(s) of the child who have not signed a waiver must be served notice by certified mail at least seven (7) days prior to the hearing.
- All next of kin in Ohio (if there is no living parent) with equal or greater right to serve who have not waived notice must receive at least seven (7) days' notice by certified mail of the hearing on the application for appointment.

Prepare and bring the following forms to the hearing:

Oath of Guardian (Form 15.9)

- Must be signed in front of the Magistrate or Judge.

Judgment Entry – Appointment of Guardian of Minor (Form 16.5)

- The Court will sign if the guardianship is granted.

Letters of Guardianship (Form 15.4)

- The clerk will certify if guardianship is granted.

Notice to Parents (Form 524)

The following forms are not part of the minor guardianship packet, but are available on our website:

Bank Certificate (BCPC 15.81) / Verification of Receipt and Deposit (Form 22.3)

- After the appointment and monies are received, ***the attorney*** is responsible to deposit the funds in an approved depository and return the verification of receipt and deposit (under $25,000) or the bank certificate (over $25,000) within **seven (7) days** of the date of the Entry Appointing Guardian.
- An employee of the bank where Guardianship funds are deposited must complete and sign the form.
- This form must also be filed at the time of filing Guardian's Account (Form 15.8).

Guardian's Inventory (Form 15.5)

- The inventory is due three (3) months from date of appointment.
- Do not include any account numbers or other personal identifiers; list them on Form 45D.
- The inventory must specifically list all real and personal property in the name of the ward including the value of any yearly rent received from real estate.

Confidential Disclosure of Personal Identifiers (BCPC 45D)

- All personal identifiers must be omitted from any document being filed with the Court (this includes the Inventory and all Accounts). Personal Identifiers include Social Security Numbers, policy numbers, or **any** financial account numbers.
- Anytime a document is filed with the Court that would normally contain identifying numbers, those personal identifiers must be omitted from the document and disclosed on local form 45D.

Application and Order Authorizing Expenditure of Funds (Form 15.7)

- All expenditures made by the guardian *must have prior approval* of the Court.
- List who is to be paid, purpose of the expenditure, and amount requested.

Guardian's Account (Form 15.8)

- The Guardian of the Estate is responsible for the filing of an account of the minor's funds biennially from the date of the appointment, unless dispensed with by the Court.
- Specifically list the assets of the ward that were listed on the Inventory (Form 15.5) or previous account as separate line items.
- All income and disbursements should be shown as separate line items .
- Do not include any account numbers or other personal identifiers; they must be listed separately on BCPC 45D, which is available on our website.
- An employee of the bank where Guardianship funds are deposited must complete and sign the Bank Certificate (Form 15.81).
- Additional costs will be due at this time.