INSTRUCTIONS FOR MINOR SETTLEMENT

All forms must be typewritten

Forms on our web site may be filled in prior to printing

Revised 10-31-2025

These forms 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. 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, assisting you in completing the forms, or determining which forms apply to your situation.

The documents that you file *must* be typewritten, legible, *AND* completed in their entirety. Illegible or incomplete documents may be refused for filing or, if filed, could result in your application 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.

When a minor receives a settlement from a personal injury, regardless of the amount received, the Probate Court must approve the settlement.

If there are multiple children, an Application to Settle a Minor's Claim (Form 22.0) must be filed for each child.

If the ***net amount of settlement is $25,000 or more***, you must file to have a guardian of the estate appointed prior to the settlement being approved (see instructions for minor guardianship).

If the ***net amount of settlement is less than $25,000***, the parents of the child, the custodial parent, or other individual having custody of the child must complete the Minor Settlement packet and attach any required documentation.

The following ***must*** be attached to the Application to Settle a Minor's Claim (Form 22.0), please note *a hearing will not be scheduled until all necessary filings and attachments are filed*:

- A copy of the child's birth certificate.
- A narrative statement in support of the proffered settlement. The narrative statement must include a description of the occurrence and the extent of the injury or damage.
- A ***current*** statement from the treating physician regarding the injuries sustained the extent of recovery, and the permanency of any injuries. This requirement ***is not*** satisfied by the attachment of the attorney's narrative, nurses' notes, or emergency room reports.
- Attach documentation of any other proposed or actual settlements resulting from the same incident that caused the injury to the minor that are being paid to persons other than this minor.
- A list of any unreimbursed medical or other expenses and the proposed payees.

Prior to a fiduciary entering into a contingent fee contract with an attorney for services, a motion to approve the contingent fee contract shall be filed with the Court, pursuant to the Ohio Rule of Superintendence 71(I). This must be filed prior to or at the time of the filing of the Application to Settle a Minor's Claim (Form 22.0). A copy of the attorney's fee contract and an itemization of suit expenses must be attached to the Application to Settle Minor's Claim.

The attorney or applicant is required to give at least seven days' notice of the hearing to the non-custodial parent who has not waived notice of the hearing and he/she must provide proof of service at the hearing.

If there is residual injury to the child or soft tissue damage, the Court may appoint a guardian ad litem to represent the child's interest.

If the net amount of the settlement is under $25,000, a deposit of $135.00 is required at the time of filing. If the net amount of the settlement is over $25,000 and a guardianship is required, a deposit of $225.00 is required at the time of filing. Please confirm the amount prior to filing. This fee must be paid in cash, check, or money order.

If the settlement is structured, a guardian of the estate must be appointed regardless of the amount of the settlement. An affidavit from an independent certified public accountant or an equivalent professional must be attached to the Application specifying the present value and the method by which it was calculated.

If the settlement is funded by an annuity, you must be in compliance with Local Rule 68.2 prior to beginning this process.
All applications to settle a minor's claim will be scheduled for hearing in front of the Judge or Magistrate. **Both the injured minor and the applicant must appear at the hearing.**

Pursuant to Ohio Rule of Superintendence 67(C), after the settlement is approved, ***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 (Form 22.3) from the financial institution and file the form with the Court ***within seven days*** from the issuance of the entry. If there is no attorney of record, the attorney for the insurance company will be responsible for depositing the funds and obtaining the Verification of Receipt and Deposit.

The Court will direct that the funds be deposited in an interest-bearing account in the name of the minor with a bank, savings bank, savings and loan association, or credit union located in Butler County. No funds shall be released until the minor reaches the age of majority.

For the initial filing, complete the following forms in their entirety and check any applicable boxes:

- Application to Settle a Minor's Claim (Form 22.0) ***please note: numbers listed on Application will auto populate into applicable fields on the corresponding Entry.***
  - Attach the minor's birth certificate and any appropriate documentation**.**
- Motion to Approve Contingent Fee Agreement with a copy of the attorney fee agreement and an itemization of suit expenses attached.
- Waiver and Consent to Settle Minor's Claim (Form 22.1).
  - Both biological parents must sign the waiver and consent whether or not they are listed on the birth certificate. If unable to obtain their signature, the attorney or applicant must serve notice of the hearing upon the non-consenting parent by certified mail, return receipt requested. The parent is entitled to seven days' notice of the hearing date.
- A check, cash, or money order for court costs.

A HEARING WILL NOT BE SCHEDULED UNTIL ALL REQUIRED FORMS AND DOCUMENTATION ARE RECEIVED, FILED, AND COURT COSTS ARE PAID.

The attorney, applicant and minor child ***must*** appear at the hearing.
Please have the following forms completed and bring them to the hearing with you:

- Proof of Service to non-custodial parent (if required).
- Entry Approving Settlement of Minor's Claim (Form 22.2) ***please note: numbers listed on Application will auto populate into applicable fields on the corresponding Entry. If numbers on the Corresponding Entry need to reflect differently from the numbers displayed on the Application, please complete a separate Form 22.2 from the Individual Forms section.***
- Entry Approving Contingent Fee Agreement.

If a guardian is required to be appointed, the Magistrate or Judge will address that at the hearing prior to the minor settlement being heard (see instructions for appointment of guardian of minor to determine the required forms).

Within seven (7) days of the Entry Approving Minor's Claim being filed, the *attorney for the minor, or the attorney for the payor if the applicant is not represented,* shall obtain and file a Verification of Receipt and Deposit (Form 22.3) with the Court if the settlement is *under* $25,000 or a Bank Certificate (Form 15.81) if the settlement is *over* $25,000. The funds must be deposited in the sole name of the minor.

Within thirty (30) days after the Entry Approving Settlement is signed, you will need to file the Report of Distribution of Minor's Claim and the signed annuity contract, if applicable.