INSTRUCTIONS FOR SETTLEMENT OF CLAIM FOR AN ADULT WARD

All forms must be typewritten
(Forms on our web site may be filled in prior to printing)
01-01-2015

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.

The application for settlement must be filed by the guardian of the estate of an adult ward.

The following ***must*** be attached to the Application to Settle Claim of an Adult Ward (Form 22.5). Please note *a hearing will not be scheduled until all necessary documents and attachments are filed*:

- 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 ward that are being paid to persons other than this ward.
- 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 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 Claim of and Adult Ward (Form 22.5). A copy of the attorney's fee contract and an itemization of suit expenses must be attached to the Application to Settle a Claim of an Adult Ward.

Court costs will be due at the time of filing. Please confirm the amount due prior to filing. This fee must be paid in cash, check, or money order.

If the settlement is structured, you must be in compliance with Local Rule 68.3.

All applications to settle a claim for an adult ward will be scheduled for hearing in front of the Judge or Magistrate.

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

- Application to Settle a Claim of an Adult Ward (Form 22.5).
  - Attach any appropriate documentation.
- Motion to Approve Contingent Fee Agreement with a copy of the attorney fee agreement and an itemization of suit expenses attached.
- 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.

Please have the following forms completed and bring them to the hearing with you:

- Entry Approving Settlement of a Claim of an Adult Ward (Form 22.6)
- Entry Approving Contingent Fee Agreement

Within seven (7) days of the Entry Approving Claim of an Adult Ward being filed, the *attorney for the guardian of the estate or the attorney for the insurance company if the guardian is not represented,* shall obtain and file a Verification of Receipt and Deposit for an Adult Ward (Local Form 22.3A) or a Bank Certificate (Form 15.81), whichever is applicable.

Within thirty (30) days after the Entry Approving Settlement is signed, you will need to file the Report of Distribution (Form 22.7) and the signed annuity contract, if applicable.

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.