

## 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.

**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.

A person ***must*** apply to be Guardian of the Estate of a Minor or a Guardian of the Person & Estate of a minor when the proposed minor ward has received more than \$10,000 in assets or the assets are structured in nature.

The ward ***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 the person only or for school purposes***, you will need to contact Juvenile Court.

Service of Notice of Hearing on Appointment of Guardian to the next of kin must be served ***by the applicant or the attorney for the guardianship***.

Service of Notice of Hearing on Appointment of Guardian to the minor will be issued by the clerk.

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

***Prior to Guardianship of the Estate of a Minor or Guardianship of the Person & Estate of a Minor being established and Letters of Guardianship being issued, there must be a bond (Form 15.3) posted for double the amount of the personalty (any asset other than real estate) or an Application and Entry for Deposit in Lieu of Bond (Form BC 405 & BC 406) filed.*** Bond must be executed by a surety company *prior to filing with the Court.*

When a Guardianship of the Estate of a Minor or a Guardianship of the Person & Estate of a Minor is established there must be a bond (Form 15.3) posted for double the amount of personalty (any asset other than real estate) or an Application and Entry for Deposit in Lieu of Bond (BC 405 & BC 406) must be filed prior to Letters of Guardianship being issued

A filing fee of \$150.00 is required at the time of filing. If a Minor Settlement is also required, the filing fee is \$180.00. Please confirm the amount with the cost clerk (513/887-3293) since filing fees may have changed subsequent to the publication of this instruction sheet. This fee must be paid in cash, check or money order.

The forms required may be obtained by downloading them from this web site.

**Complete the following forms for the initial filing:**

**Application for Appointment of Guardian of Minor (16.0)**

- Complete application in its entirety

**Next of Kin of Proposed Ward (15.0)**

- List the next of kin of the proposed ward (those who would inherit if the ward died intestate)
- Be sure to specify complete addresses of all those listed and date of birth for any minors

**Authorization to Release Confidential Information (BC 500)**

- Must be completed, signed, and filed by *all* applicants with the Application for Appointment of Guardian except when the applicant is a corporation or an attorney authorized to practice law in the State of Ohio

**Waiver of Notice and Consent (15.1)**

- If possible, have all next of kin listed on Form 15.0 who are over the age of 18 and reside within the State of Ohio sign a Waiver of Notice and Consent
- If unable to obtain waivers, certified mail service must be issued *by the attorney or applicant* to those who reside in Ohio and did not sign a waiver (See form 16.4)

**Fiduciary's Acceptance (15.2)**

- Complete name of minor, read, sign and date.

**Affidavit (16.1)**

- Complete form only if applying for Guardianship of the Person.
- This form is *not* a part of the Minor Guardianship Packet but is available on our web-site.

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

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

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

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

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

- Personal service must be completed on minors who are 14 years of age or older
- The Court will have notice issued to the minor by the Butler County Sheriff's Dept.

**Notice of Hearing on Application for Appointment (16.4)**

- The biological parent(s) of the child who have not signed a waiver must be served notice by certified mail at least 7 days prior to the hearing. It is the responsibility of the attorney or applicant to perfect service on the parent(s).
- 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 7 days notice by certified mail of the hearing on the application for appointment. It is the responsibility of the attorney or applicant to perfect service on the next of kin in Ohio.

***The applicant or attorney is responsible for all service to the next of kin***

- Present certified mail return (green card) from each individual who did not waive notice to the court with an affidavit of service prior to, or at the time of the hearing for the appointment of guardian.

**The following are required at the hearing:**

**Guardian's Bond (15.3)**

- When applying for Guardian, the applicant must execute a bond for double the amount of the personality unless an Application & Entry for Deposit in Lieu of Bond is filed and granted (BC405 & BC406)
- Bond must be executed by a surety company *prior to filing with the Court*

**Oath of Guardian (15.9)**

- Must be signed in front of the Magistrate or Judge

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

- The court will sign if the guardianship is granted.

**Letters of Guardianship (15.4)**

- The clerk will certify if guardianship is granted

The following are required after a Guardian is appointed for the minor:

**Receipt for Personal Property/ Verification of Receipt and Deposit (22.3)**

- This form is *not* a part of the Minor Guardianship Packet but is available on our web-site.
  - After the appointment is made and monies received **the attorney** is responsible to deposit the funds in an approved depository and return the verification of receipt and deposit within **seven (7) days**

**Guardian's Inventory (15.5)**

- This form is *not* a part of the Minor Guardianship Packet but is available on our web-site.
  - If the guardianship is for the Estate or Person & Estate, the guardian must file an Inventory specifically listing the assets of the minor and their value
  - The inventory is due 3 months from date of appointment

**Application and Order Authorizing Expenditure of Funds (15.7)**

- This form is *not* a part of the Minor Guardianship Packet but is available on our web-site.
  - 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 of expenditure.
  - The Affidavit of Income and Expenses (BC523) must be filed with each expenditure
  - **Additional costs are due at this time, please contact 513/887-3293**

**Affidavit of Income and Expense (BC523)**

- This form is *not* a part of the Minor Guardianship Packet but is available on our web-site.
  - Must be filed every time an Expenditure of Funds is filed
  - Must be completed and signed in front of notary.

**Guardian's Account (15.8)**

- This form is *not* a part of the Minor Guardianship Packet but is available on our web-site.
  - From the date of their appointment, the Guardian of the Estate is responsible for filing of the biannual account.
  - Specifically list the assets of the ward that were listed on the Inventory (15.5) plus all income and disbursements.
  - **Additional costs are due at this time, please contact 513/887-3293**

**Bank Certificates (15.81)**

- This form is *not* a part of the Minor Guardianship Packet but is available on our web-site.
  - Have an employee of each bank where Guardianship funds are deposited complete form
  - Attach this form (15.81) to the Guardian's Account (15.8).