

## **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 used to Dispense with the Appointment of a Guardian, the clerk's are not attorneys and therefore cannot answer legal questions or assist you in completing the forms or deciding which forms apply to your situation.

**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 application being denied, delayed or dismissed.

Where a minor is entitled to receive assets from an insurance policy where he/she is the named beneficiary, from an estate where he/she is entitled to inherit, or from funds from a wrongful death settlement and those funds do not exceed \$10,000, the natural parent(s) or person having custody of the minor may file an Application to Dispense with Appointment of Guardian in the Probate Court of the county where the minor resides. Only one minor may be listed on each application.

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 instead of depositing the funds, the funds be delivered to the minor, the custodian, the natural parent, or the executive director in charge of children services then a narrative statement must be attached to the application setting for the reasons.

The Entry Dispensing with Appointment of Guardian; Ordering Deposit or Delivery must be presented to the clerk with the Application. The Magistrate or Judge will review the paperwork and they will either sign the entry or schedule it for a hearing. One of the clerk's will contact you after it is reviewed. **If a hearing is required, the attorney, applicant and child must appear. The attorney or applicant must give at least seven days notice of the hearing to any non-custodial parent who has not waived notice of the hearing.**

**Pursuant to Ohio Rule of Superintendence 67(C), after the entry is approved the attorney for the applicant or the attorney for the insurance company shall be responsible for depositing the funds and for providing the financial institution with a certified copy of the entry. The attorney shall also 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.**

R.C. 2109.41 requires the deposit of the minor's funds be in a bank, savings bank, savings and loan association, or credit union located in Ohio.

**A filing fee of \$ 53.00 is required and must be paid at the time of filing the Application.** Please confirm the amount with the cost clerk (513/887-3293). This fee must be paid in cash, check, or money order. If you are filing a minor settlement with this packet, 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.

Court employees including the Judge and Magistrate are prohibited by statute from giving you legal advice which includes selection and preparation of documents.

# PROBATE COURT OF BUTLER COUNTY, OHIO

IN THE MATTER OF: \_\_\_\_\_

CASE NO. \_\_\_\_\_

## APPLICATION TO PAY OR DELIVER ESTATE OF A MINOR WITHOUT APPOINTMENT OF A GUARDIAN

[R.C. § 2111.05]

Applicant states that \_\_\_\_\_, is a minor, born \_\_\_\_\_ residing at \_\_\_\_\_ in this County. Said minor is entitled to receive assets in the amount of \$ \_\_\_\_\_, which amount does not exceed ten thousand dollars (\$10,000), further described as follows:

Applicant states that there is no legal guardian of the estate.

A copy of the birth certificate is attached.

The names and addresses of the minor's parent and natural guardian's are:

Mother: \_\_\_\_\_

Father: \_\_\_\_\_

If the parents are deceased, disabled, or their whereabouts are unknown, \_\_\_\_\_ who resides at \_\_\_\_\_ is the person by whom the minor is maintained.

Applicant further asks that the funds be: [check one]

- \*\*  (1) delivered to the minor.
- \*\*  (2) delivered to the custodian of the minor.
- \*\*  (3) delivered to the natural guardian of the minor.
- \*\*  (4) delivered to the executive director responsible for children services.
- (5) deposited in a financial institution authorized to receive fiduciary funds for the minor.

\*\*For 1, 2, 3 or 4, attach a narrative statement setting forth the reasons.

The applicant acknowledges that he or she may be subject to criminal penalties for improper conversion of any property held on behalf of the minor.

\_\_\_\_\_  
Attorney for Applicant

\_\_\_\_\_  
Applicant

\_\_\_\_\_  
Typed or Printed Name

\_\_\_\_\_  
Typed or Printed Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Address

\_\_\_\_\_  
Phone number (include area code)

\_\_\_\_\_  
Phone number (include area code)

\_\_\_\_\_  
Attorney Registration No.

# PROBATE COURT OF BUTLER COUNTY, OHIO

IN THE MATTER OF: \_\_\_\_\_

Case No. \_\_\_\_\_

## ENTRY DISPENSING WITH APPOINTMENT OF GUARDIAN AND ORDERING DEPOSIT OR DELIVERY

Upon hearing the application to dispense with the appointment of a guardian, the Court finds that \_\_\_\_\_ is a minor, the estate of said minor is ten thousand dollars (\$10,000) or less, and a guardianship is not necessary.

Therefore, the Court orders the appointment of a guardian be dispensed with, and that the property of said minor, in the sum of \$ \_\_\_\_\_ dollars be delivered or deposited as follows:

- delivered to \_\_\_\_\_, the minor herein.
- delivered to \_\_\_\_\_, as custodian of said minor.
- delivered to \_\_\_\_\_, as natural guardian of the minor.
- delivered to the executive director responsible for children services.
- deposited in the name of the minor with \_\_\_\_\_ a depository authorized to receive fiduciary funds.

None of said funds, in whole or in part, shall be released by the depository until such time as said minor attains the age of majority. Said attorney shall file the Verification of Receipt and Deposit with this Court, evidencing that said deposit has been made, within seven days after receipt of the funds.

APPROVED:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Attorney For Applicant

\_\_\_\_\_  
Probate Judge/Magistrate

### NOTICE TO COUNSEL FOR INSURANCE COMPANIES DISBURSING LIFE INSURANCE PROCEEDS OF TEN THOUSAND DOLLARS OR LESS TO MINORS RESIDING IN OHIO:

Pursuant to Rule 67(C) of the Rules of Superintendence for the Courts of Ohio, "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 (Standard Probate Form 22.3) from the financial institution and file the form with the court within seven days from the issuance of the entry."

**You are hereby put on notice that the insurance proceeds you are disbursing, if Ten Thousand Dollars or less, are not to be released to a natural parent and must be deposited in a financial institution meeting the requirements of Ohio Revised Code §2109.41. The natural parent of the minor may specify the financial institution, without additional court approval, as long as the institution is in Butler County Ohio and complies with R.C. §2109.41.**

The Verification of Receipt and Deposit Form 22.3 is available on the Butler County Probate Court's web site at [www.butlercountyprobatecourt.org](http://www.butlercountyprobatecourt.org). If you have any questions, counsel may contact the Court at (513) 887-3296 and speak to a Magistrate.

# PROBATE COURT OF BUTLER COUNTY, OHIO

IN THE MATTER OF \_\_\_\_\_

CASE NO. \_\_\_\_\_

## VERIFICATION OF RECEIPT AND DEPOSIT

Pursuant to Court order, the sum of \$ \_\_\_\_\_ was deposited with  
\_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_,  
as evidenced by the Savings/Certificate of Deposit Account Number \_\_\_\_\_.  
This account is held solely in the name of \_\_\_\_\_, a minor,  
whose Social Security Number is \_\_\_\_\_.

**By accepting said deposit for said minor, this institution agrees that said deposit, together with accumulated interest, shall be held and no part thereof released until minor attains the age of majority or upon further order of this Court.**

\_\_\_\_\_  
Financial Institution

By \_\_\_\_\_  
Authorized Officer

\_\_\_\_\_  
Typed or Printed Name

\_\_\_\_\_  
Phone Number

\_\_\_\_\_  
Date

**PROBATE COURT OF BUTLER COUNTY, OHIO**

**IN THE MATTER OF** \_\_\_\_\_

**Case No.** \_\_\_\_\_

**RECEIPT ON BEHALF OF INCOMPETENT**

Pursuant to Court order, the estate of the above named incompetent \_\_\_\_\_, in the sum of \$ \_\_\_\_\_ dollars was delivered to and is hereby received for by the undersigned on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

Check Here if receipt is for a minor:

By accepting the funds for said minor, the undersigned agrees to hold and use the funds, together with accumulated interest, solely for the benefit of said minor until he attains the age of majority or upon further order of this Court, at which time the undersigned shall turn said funds over to said minor.

\_\_\_\_\_  
Recipient

\_\_\_\_\_  
Typed or Printed Name

\_\_\_\_\_  
Relation to Incompetent

\_\_\_\_\_  
Address

\_\_\_\_\_

\_\_\_\_\_  
Date