

# INSTRUCTIONS FOR SETTLING A MINOR'S CLAIM FOR PERSONAL INJURY

These instructions are intended as a **guideline only** and should not be relied upon as a comprehensive list of duties in a minor's settlement.

Whenever a minor is receiving a settlement from a personal injury, regardless of the amount of the award, the Application must be filed in Probate Court.

If the **net** settlement is **over \$25,000.00**, then a **guardian of the estate** must be appointed to file the application.

If the amount is less than \$25,000 a parent or custodian may file the Application for Approval of the Settlement.

The Application will be assigned to a magistrate and set for hearing.

A copy of the birth certificate and a narrative statement must accompany the application.

A fee is required at the time of filing. Current Court Costs are posted at: <https://www.probatect.org/about/general-resources>.

Please confirm the amount with the Cashier since filing fees may have changed subsequent to the publication of the instruction sheet. **This fee must be paid in cash, money order, certified check, MasterCard, Discover, or American Express. No personal checks will be accepted.**

The forms may be obtained from the Information Desk on the 9<sup>th</sup> floor of the Probate Court, 230 E. 9<sup>th</sup> Street, Cincinnati, Ohio or by downloading the forms from the web site.

## PROCEDURAL STEPS

### STEP 1: COMPLETE THE FOLLOWING FORMS

Application to Settle Minor's Claim and Entry Setting Hearing and Ordering Notice (Form 22.0)

- Complete information, and if an attorney is obtained, have attorney complete applicable information.
- **Attach the following:**
  - o **A copy of birth certificate.**
  - o **A narrative statement.**
  - o **A statement from the examining physician regarding the injuries sustained.**
  - o **Required affidavits if the settlement is structured.**

Next of Kin of Proposed Ward (15.0)

- List all *next of kin* (those people who are closest blood relatives) of the minor.
- Be sure to specify *complete* addresses of all those listed.

Waiver and Consent to Settle Minor's Claim (Form 22.1)

- Complete form.
- Both parents must waive notice or be served notice by certified mail of the hearing date and time.
- If a guardianship is necessary and the address of a parent is unknown, publication is required.

Entry Approving Settlement of a Minor's Claim (Form 22.2)

- Complete form.
- Present to Magistrate at the hearing.

**STEP 2: ASSIGNING OF MAGISTRATE & REVIEWING OF FORMS**

When all forms have been completed, present them to the Information Desk on the 9<sup>th</sup> Floor of Probate Court for a magistrate to be assigned. All forms are then taken to an available magistrate who will set the matter for hearing.

**STEP 3: FILING OF PAPERS WITH CASHIER**

All forms are then taken to the cashier and a case number will be assigned. The cashier will require the payment of the filing fee. The cashier will stamp the case number on all forms.

**STEP 4: DAY OF HEARING**

At the date and time of the hearing, the parent(s), minor child, and the attorney (if one is obtained) should report to the 9<sup>th</sup> floor of the Probate Court to the Information Desk (The magistrate will already have the case file). If a guardian is needed, then the hearing on the appointment of a guardian will be held first and the minor settlement will be held thereafter. Upon conclusion of the hearing, the final papers will be filed with the cashier. The cashier will determine if any additional filing fees are due.

**STEP 5: DEPOSITING OF FUNDS AND FILING OF VERIFICATION OF DEPOSIT****Without appointment of a guardian:**

Once the settlement has been approved, the net settlement proceeds must be deposited into a bank located in Hamilton County. The funds must be held in the sole name of the minor until the minor reaches the age of 18. After the money has been deposited, a **Verification of Receipt and Deposit (H.C. Form 22.3)** and the **Report of Distribution and Entry Minor's Claim (Form 22.4)** must to be presented to the assigned magistrate to be approved, and then filed with the cashier to complete the case.

**With appointment of a guardian and funds are deposited in a Custodial Depository:**

Once the settlement has been approved, the check needs to be deposited into a deposit in lieu of account in the name of the guardian and minor. Funds must be deposited with Fifth **Third Bank** (Downtown Branch 900 Main Street, Cincinnati OH, 45202) or **US Bank** (Downtown Branch 1116 Main Street, Cincinnati OH, 45202). After the money has been deposited, a **Verification of Receipt and Deposit (H.C. Form 204.07)** and a **Report of Distribution and Entry Minor's Claim (Form 22.4)** must be presented to the assigned magistrate to be approved, and then filed with the cashier to complete the case.

**With the appointment of a guardian and the funds are maintained in a guardian's account:**

Once the net settlement proceeds have been deposited into a bank located in Hamilton County, present the **Report of Distribution and Entry Minor's Claim (Form 22.4)** to the assigned magistrate for approval. File the approved forms with the cashier.

The Attorney must file an account one year after the date of appointment of guardian and every year after. Bond must be maintained every year.