

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 9th floor of the Probate Court, 230 E. 9th 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 9th 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 9th 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.

**PROBATE COURT OF HAMILTON COUNTY, OHIO
RALPH WINKLER, JUDGE**

IN THE MATTER OF _____

CASE NO. _____

APPLICATION TO SETTLE A MINOR'S CLAIM

[R.C. 211.05, R.C. 2111.18, Sup. R. 67 AND 68]

[Check applicable boxes, complete applicable blanks, strike inapplicable language, and attach supporting documentation]

The applicant state that:

_____, is an unemancipated minor, born _____,
_____, residing at _____ in this county
who on or about _____, _____, suffered personal injury (and damage to this
minor's property) by wrongful act, neglect, or default that entitles this minor to maintain an action to
recover damages. A copy of the birth certificate is attached.

Attached is a narrative statement in support of the proffered settlement setting forth a description of
the occurrence, the injury or damage, the treatment progress and current prognosis by the treating
physicians, and other proposed or actual settlements resulting from the same occurrence being paid
to persons other than this minor. Counsel will advise at the hearing as to liability and collectability.

- There is no legal guardian of the estate, and the Court may authorize the settlement
the appointment of a guardian.
- _____ is the legal guardian of the estate.
Case No. _____.
- _____ is (are) the parent _____ and natural guardian _____.
- _____ is the person by whom the minor is maintained.
- There is a (full) (partial) settlement offer of \$ _____ without suit being filed.
- There is a (full) (partial) settlement offer of \$ _____ after suit was filed; the
Style of the case, court, and case number being _____.
- The proffered settlement should be approved.
- Unreimbursed medial and other expenses of \$ _____ have been incurred.
Attached is a list of such expenses and proposed payees.
- A reasonable attorney fee for the attorney's services is \$ _____ and
Reimbursement to the attorney for suit expenses is \$ _____. A copy of
the attorney's fee contract that has (has not) received prior approval of this Court, subject
to modification, and an itemization of suit expenses are attached.
- The parent, _____, claim \$ _____ for
damages on account of loss of service of this minor and that claim is included in this
settlement offer.

This is a structured settlement. All necessary documents, including a statement of the present value of the settlement, are filed herewith.

The applicant requests that:

The Court authorize the applicant to execute a release which shall be effective upon Payment of the settlement.

The Court order payment of the above expenses and order that the net amount of \$ _____ for the benefit of the minor be:

Deposited in the name of the minor with _____

_____, financial institution, and not to be Released until the minor attains the age of majority or upon further order of this Court.

Delivered to the legal guardian.

Delivered to _____, parent ___ and natural guardian ___.

Delivered to _____, the person by whom the minor is maintained.

Structured as set forth in the attached documents.

Deposited into a trust, proposed trust attached, for the benefit of the beneficiary until the beneficiary reaches 25 years of age (R.C. 2111.82).

Supplemental forms required by local rule of Court of attached.

Attorney for Applicant

Applicant

Typed or Printed Name

Type or Printed Name

Address

Address

Email
Attorney Registration No. _____

Email

ENTRY SETTING HEARING AND ORDERING NOTICE

The Court sets _____, at _____ o'clock ____m. as the date and time for hearing the above application and orders notice to be given by the applicant, as provided in the Rules of Civil Procedure, to the parents who have not waived notice and (further orders that the minor and parent ___ attend the hearing.

Ralph Winkler, Probate Judge

**PROBATE COURT OF HAMILTON COUNTY, OHIO
RALPH WINKLER, JUDGE**

GUARDIANSHIP OF _____

CASE NO. _____

**NEXT OF KIN OF PROPOSED WARD
(R.C. 2111.04)**

(NOTE : Specify age and birthdate of each minor under 16 on the line containing the minor's name. List the name and address of the minor's parent, guardian or custodian on the name and address lines following the minor's address.)

Service Waived	Relationship	Birthdate Of Minor
1. <input type="checkbox"/> Name _____	_____	_____
Address _____		Zip _____
2. <input type="checkbox"/> Name _____	_____	_____
Address _____		Zip _____
3. <input type="checkbox"/> Name _____	_____	_____
Address _____		Zip _____
4. <input type="checkbox"/> Name _____	_____	_____
Address _____		Zip _____
5. <input type="checkbox"/> Name _____	_____	_____
Address _____		Zip _____
6. <input type="checkbox"/> Name _____	_____	_____
Address _____		Zip _____
7. <input type="checkbox"/> Name _____	_____	_____
Address _____		Zip _____
8. <input type="checkbox"/> Name _____	_____	_____
Address _____		Zip _____
9. <input type="checkbox"/> Name _____	_____	_____
Address _____		Zip _____
10. <input type="checkbox"/> Name _____	_____	_____
Address _____		Zip _____

_____ Date

_____ Applicant

**PROBATE COURT OF HAMILTON COUNTY, OHIO
RALPH WINKLER, JUDGE**

IN THE MATTER OF _____

CASE NO. _____

WAIVER AND CONSENT TO SETTLE MINOR'S CLAIM

The undersigned, waive all claims for damages on account of loss of services of said minor, waive notice of the hearing, and consent to and approve the Form 22.0, Application to Settle Minor's Claim, a copy of which is attached hereto.

Typed or Printed Name

Typed or Printed Name

**PROBATE COURT OF HAMILTON COUNTY, OHIO
RALPH WINKLER, JUDGE**

IN THE MATTER OF _____

CASE NO. _____

ENTRY APPROVING SETTLEMENT OF A MINOR'S CLAIM

Upon hearing the application to approve and distribute the settlement of the claim of the minor, the Court: [check whichever of the following are applicable]

- Approves the proffered settlement of \$ _____;
- Orders payment of \$ _____ for medical and other expenses, as follows:

- Orders payment of \$ _____ to the attorney for reimbursement of suit expenses and \$ _____ for attorney fees for service rendered with respect to this matter.
- Orders payment of \$ _____ to the parent __, _____ for damages on account of loss of service of the minor;
- Authorizes the applicant to execute a release, which shall be effective upon payment of the settlement;
- Orders that the net amount of \$ _____, for the benefit of the minor be:
 - Deposited in the name of the minor and not to be released until the minor attains the age of majority or upon further order of this Court with Form 22.3 Verification of Receipt and Deposit filed with this Court;
 - Delivered to the legal guardian of the estate of this minor;
 - Delivered to _____, parent __ and _____ natural guardian;
 - Delivered to _____, the person by whom the minor is maintained;
 - Structured as set for the in the documents attached to the application;
 - Deposited into a trust, for the benefit of the beneficiary until the beneficiary reaches 25 years of age. (R.C. 2111.182).
- Orders the applicant and the attorney to report on their distribution of the proceeds within 30 days of the date of this entry.
- Further orders _____

Date

Probate Judge

**PROBATE COURT OF HAMILTON COUNTY, OHIO
RALPH WINKLER, JUDGE**

IN THE MATTER OF _____, MINOR

CASE NO. _____

AFFIDAVIT FOR UNKNOWN ADDRESS OF A PARENT

STATE OF OHIO, COUNTY OF HAMILTON, SS.

The undersigned, being first duly cautioned and sworn, deposes and says that the address of _____ is unknown and cannot be ascertained with reasonable diligence and that _____ is free from disability other than minority.

Affiant has attempted to locate _____ **[check whichever applies]:**

- Mailed correspondence to the last known address that was returned undeliverable.
- Personally went to the last known address and verified that he/she no longer lived at said address.
- Contacted relative(s).
- Contacted friend(s).
- Contacted current employer or last employer.
- Contacted his/her doctor's or dentist's office.
- Contacted CSEA (Child Support Enforcement Agency)
- Other _____

Affiant

Sworn to before me and in my presence this ____ day of _____.

Notary Public

**PROBATE COURT OF HAMILTON COUNTY, OHIO
RALPH WINKLER, JUDGE**

IN THE MATTER OF _____

CASE NO. _____

VERIFICATION OF RECEIPT AND DEPOSIT

[Not for use in Custodial Account]

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

By accepting said deposit for said ____ minor ____incompetent, this institution agrees that said deposit, together with accumulated interest, shall be held and no part thereof released until:

- (a) Minor attains age of majority.
- (b) Guardian of adult incompetent has obtained a Court Order.
- (c) Other Court Order.

Financial Institution

By: _____
Authorized Officer

Typed or Printed Name

Phone Number

Date

PROBATE COURT OF HAMILTON COUNTY, OHIO
RALPH WINKLER, JUDGE

IN THE MATTER OF _____

CASE NO. _____

REPORT OF DISTRIBUTION MINOR'S CLAIM

Pursuant to Entry filed _____, the proceeds have been paid as shown below and on the accompanying vouchers.

Gross Proceeds		\$ _____
Less:		
Medical Expenses	\$ _____	
Reimbursement of suit expenses to		

_____	\$ _____	
Attorney fees to _____	\$ _____	
Loss of service to _____	\$ _____	
Others: _____	\$ _____	
Total		\$ _____
Net Proceeds		
<input type="checkbox"/> Deposited pursuant to R.C. 2111.05 Form 22.3 attached	\$ _____	
<input type="checkbox"/> Delivered to _____, legal guardian of the estate	\$ _____	
<input type="checkbox"/> Delivered to _____, parent ___ and natural guardian ___	\$ _____	
<input type="checkbox"/> Delivered to _____, the person by whom the minor is maintained.	\$ _____	
<input type="checkbox"/> Structured – see documents previously filed	\$ _____	
<input type="checkbox"/> Deposited into a trust, for the benefit of the beneficiary until the beneficiary reaches 25 years of age (R.C. 2111.182)	\$ _____	
Balance		\$ _____ 0 _____

Attorney for Applicant

Applicant

Attorney Registration No. _____

ENTRY

The above report of distribution is hereby approved, and the applicant is discharged from further responsibility.

Date

Ralph Winkler, Probate Judge