INSTRUCTIONS FOR APPOINTMENT OF GUARDIAN OF A MINOR (MINOR'S PERSON ONLY, ESTATE ONLY OR PERSON & ESTATE)

These instructions are intended as a guideline only and should not be relied upon as a comprehensive list of duties in a guardianship.

A guardianship over a minor's person will only be granted if the Court finds the minor's parents are unsuitable.

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.

A person can apply to be Guardian of the Estate or Guardian of the Person & Estate of a minor when the proposed minor ward has obtained more than $25,000 in assets.

A filing 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 this instruction sheet. **We accept cash, cashier's checks or all major credit/debit cards as payment for the fee. No personal checks or money orders will be accepted.**

If the establishment of a guardianship is required to settle a minor's claim when the gross estate is over $25,000, there is an additional filing fee.

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

PROCEDURAL STEPS	WHEN TO FILE
STEP 1: COMPLETE THE FOLLOWING FORMS FOR THE INITIAL FILING	
Self-Representation Form (270.01) - Sign and Complete information if you **do not** have legal representation	At the time of initial filing
Application for Appointment of Guardian of Minor (16.0) - Complete information - Attach child's birth certificate	At the time of initial filing
Next of Kin of Proposed Ward (15.0) - List all *next of kin* (those people who are closest blood relatives) of the proposed ward. - Be sure to specify *complete* addresses of all those listed. If the address is unknown, please state so.	At the time of initial filing
Judgment Entry Setting Hearing on Application for Appointment (15.01) - Fill in the name of the proposed ward only, the magistrate will fill in hearing date & time and sign & date the form.	At the time of initial filing
Waiver of Notice and Consent (15.1) - If possible, have all next of kin execute form.	At the time of initial filing if signed by next of kin

- If unable to obtain all waivers, certified mail service must be completed on those that did not sign waivers (See form 16.4)	
Fiduciary's Acceptance (H.C. 15.2) - Complete name of minor, sign and date. **Note: The Court will hold applicant responsible for the duties described on this form.**	At the time of initial filing
Authorization to Release Confidential Information (H.C. 15.11) - Complete form	At the time of initial filing
Affidavit of Guardian Applicant (H.C Form 27.13) - This is necessary for all guardianships. - Complete form. - Have form notarized.	At the time of initial filing
Affidavit (H.C. 16.1) - This is necessary for all minor guardianships. - Complete form. - If there have been **any** proceedings in Domestic Relations, Juvenile, or Probate Court, they **must** be disclosed. - Have form notarized.	At the time of initial filing
Selection of Guardian by Minor Over Fourteen Years of Age (16.2) - A minor over the age of fourteen (14) has the right to select a guardian in writing.	At the time of initial filing
Notice of Hearing for Appointment of Guardian of Minor (H.C. 16.3) - Notice must be served on all minor potential wards who are 14 years of age or older. - Complete necessary information. - The Court will fill in the hearing date and time, and will sign and date the form. - A copy of the completed notice must be **personally** served upon the ward at least 8 days prior to the hearing. - Affidavit of service shall be made on the back of the form.	At the time of initial filing, the clerk will return the form to the applicant. The applicant will **personally** serve a **copy** of the form on the minor and return the original form to the magistrate on the day of the hearing.
Notice of Hearing on Application for Appointment (16.4) - All next of kin who have not waived notice must receive certified mail notice of the hearing on the application for appointment. - Present certified mail return (green card) from each individual who did not waive notice to the magistrate assigned to your case. - Affidavit of service shall be made on the back of the form.	At the time of initial filing, the clerk will return the form to the applicant. The applicant will serve a **copy** of the form by certified mail on the next of kin. The original form will be presented to the magistrate on the day of the hearing.
THE NEXT GROUP OF FORMS IS NOT NEEDED AT THE INITIAL FILING.	
Guardian's Bond (15.3) - When applying for a Guardianship of the Estate of a minor, the applicant is required to execute a bond. - Applicant must execute and date form. - **Bond must be executed by a surety company.** - The bond shall be twice the value of the minor's personal property.	Once signed by the applicant, the bond form needs to be left with the Court in order for the agent of the surety company to execute the bond in the presence of the clerk. May be left with the Court anytime prior to the hearing.

Oath of Guardian (15.9) - Complete form, but do not sign. Oath must be executed in front of a magistrate.	Preferably at the time of initial filing. Otherwise, the day of the hearing.
Letters of Guardianship (15.4) - Complete form. - The court clerk will sign and date.	Preferably at the time of initial filing. Otherwise, the day of the hearing.
Judgment Entry – Appointment of Guardian of Minor (H.C. 16.5) - Complete form. - The court will execute if the guardianship is granted.	
Application for Release of Funds to Custodial Depository in Lieu of Bond (H.C.204.05) - Complete form. - Filed when there is not an attorney and applicant does not want to obtain one. - Filed to dispense with requirement of joint control with an attorney, posting of a bond and filing of yearly accounts. - This program is restricted to accounts established at 5/3 Bank and US Bank.	Preferably at the time of initial filing. Otherwise, the day of hearing.
Entry Releasing Funds to Custodial Depository in Lieu of Bond (H.C. 204.06) - Complete form. - Make sure you have obtained an account number from the bank.	The day of the hearing
Verification of Receipt and Deposit of Custodial Depository (H.C. 204.07) - A bank clerk completes form once the funds are in the account. - Normally, the bank sends the form to the court.	The day of the hearing
Guardian's Inventory (15.5) - If the guardianship is for the Estate or Person & Estate, the guardian must file an Inventory specifically listing the assets of the minor and the value of those assets.	Normally, filed by the bank within 30 days from filing the Entry Releasing Funds to Custodial Depository
Application and Order Authorizing Release of Funds (15.6) - To obtain the right for the guardian to release funds, complete form. - Specifically list the name of the financial institution, the type of account and the account number.	3 months from date of appointment
Application and Order Authorizing Expenditure of Funds (15.7) - If a Guardianship of the Estate is established, all expenditures made by the guardian have to be approved by the Court prior to the time the expenditures are made. - Complete form - List who is to be paid, purpose of the expenditure, and amount of expenditure.	Anytime after the appointment has been granted
Guardian's Account (H.C. 15.8) **(Custodial depository is not utilized)** - From the date of their appointment, the Guardian of the Estate is responsible for filing of an annual account. - Specifically list the assets of the ward that were listed on the Inventory (15.5) plus all income and disbursements.	Anytime after the **Guardian's Inventory** has been filed

Bank Certificates (15.81) - Have an employee of each bank where Guardianship funds are deposited complete form. - Guardian must sign. - Attach this form (15.81) to the Guardian's Account (15.8).	Every year from the date of appointment.
Entry Setting Hearing on Account (H.C. 213.8) - Fill in the name of the ward only. The Court will fill in the hearing date and time and the court will sign and date the form.	
Notice of Hearing on Account (H.C. 13.5) - When filing a ***final*** account, if the ward has reached the age of majority, the guardian shall serve certified mail notice to the ward. Otherwise, if the ward is under 18 years of age, the guardian shall serve certified notice to the next of kin of the ward – unless waivers (13.7) are obtained. - See Local Rule 64.1 (D).	
Waiver of Notice of Hearing on Account (H.C. 13.7) - If the ward has reached the age of majority, have the ward execute the form. Otherwise, if the ward is under 18 years of age, have the next of kin execute the form.	
Entry Approving and Settling Account (H.C. 13.3) - Complete form. - Present to an account clerk for further processing.	
- **STEP 2: ASSIGNING OF MAGISTRATE, REVIEWING OF FORMS, AND SETTING HEARING DATE.**	
When all forms have been completed, present them to the magistrate's assistant at the information desk on the 9th Floor of Probate Court for a magistrate to be assigned. All forms are then taken to the available magistrate for review and set for hearing. Hearing date is usually set within 3 weeks. If you are unable to obtain waivers from the next of kin, the hearing date may be extended for the certified mail service to be completed.	
STEP 3: FILING OF FORMS WITH CASHIER	
All forms are taken to the cashier who will assign a case number. At this time, the cashier will require the payment of the filing fee. The cashier will stamp the case number on all the papers plus one set of copies, if provided. After clocking in the forms, the cashier will place the forms in a file folder and give it to you to take to the Issue Desk. The clerk at the Issue Desk will return to you any notices that you are to serve.	
STEP 4: SERVICE OF NOTICE OF HEARING	
The Notice of Hearing for Appointment of Guardian of Minor (16.3) must be **personally** served on any minor age 14 or older at least eight days prior to the hearing date. If you know you are unable to obtain waivers from the next of kin you need to have copies made of the Notice of Hearing on Application for Appointment (16.4) and send them Certified Mail, Return Receipt Requested showing date of delivery.	
STEP 5: THE HEARING – WHAT TO EXPECT	
Uncontested Hearing – Person only	
At the date and time of the hearing, you (and your attorney, if attorney is obtained) should report to the 10th Floor of the Probate	

Court to the assigned magistrate. (The magistrate will already have the file with the forms you initially filed). If you had to obtain waivers or serve notices of the hearing, you will give them to the magistrate. The Magistrate will conduct the hearing, and if the magistrate finds a guardian should be appointed, a Decision of Magistrate and Entry Appointing Guardian will be completed. The magistrate will escort you to the Issue Desk and have the Letters of Guardianship issued.	
Uncontested Hearing – Person and Estate or Estate Only	
At the date and time of the hearing, you (and your attorney, if attorney is obtained) should report to the 10th Floor of the Probate Court to the assigned magistrate. (The magistrate will already have the file with the forms you initially filed). If you had to obtain waivers or serve notices of the hearing, you will give them to the magistrate. The magistrate will conduct the hearing, and if the magistrate finds a guardian should be appointed, a Decision of Magistrate and Entry Appointing Guardian will be completed. The magistrate will escort you to the Issue Desk and have the Letters of Guardianship issued if: - Service on next of kin has been completed. - Bond has been executed by surety. - If presenting a bond, the Statement of Joint Control and Entry Appointing Co-Signer is also filed. If not posting bond, need Application and Entry for Custodial Depository (with account number) unless Guardian of the Estate is a bank.	
Contested Hearing An adversarial–type hearing will be held if anyone opposes the establishment of the guardianship. - The magistrate may decide the issue at the hearing or issue a written decision after the hearing.	