INSTRUCTIONS FOR DEPOSITING OF MINOR'S FUNDS

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

Whenever a minor is receiving funds from an inheritance from an estate, insurance policy (where minor is named beneficiary) or wrongful death settlement (where minor is recipient of wrongful death proceeds) and the amount is $25,000 or less the application is filed in Probate Court.

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.**

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

STEP 1: Filing of the Application
Self-Representation Form (270.01) - Sign and Complete information if you **do not** have legal representation
After you fill out the Application and Entry to Deposit Minor's Funds – No Guardian (H.C. 116.10) you need to see a magistrate. If the funds are coming from an estate or a wrongful death settlement in the Hamilton County Probate Court, you need to see the magistrate assigned to that estate. The magistrate will review the forms and approve the application for filing.
STEP 2: Filing of papers with Cashier
The "Application and Entry to Deposit Minor's Funds – No Guardian" is 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 retain the original form. Please provide the cashier with a copy of the form so that it may be filed stamped. This copy will be presented to the bank to establish the account.
STEP 3: Depositing of Funds and Filing of Verification of Receipt and Deposit
Once the Application and Entry has been approved, the check needs to be deposited into the depository listed on the application. The funds should be listed in the name of the minor only. Principal and interest will be impounded 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)** needs to be presented to the magistrate for approval and then filed with the Cashier. The verification should be filed within 14 days from the filing of the application and entry or the Court will cite you to appear.

Ralph Winkler
JUDGE, PROBATE COURT
HAMILTON COUNTY, OH

A CITIZEN'S GUIDE TO COMMUNICATING WITH THE JUDGE AND MAGISTRATES

Why can't I communicate directly with the judge or magistrate on my case?

If the matters are contested, judges and magistrates are not allowed to communicate with individual parties. This is what the law calls an *ex-parte* communication (this is when a judge or magistrate only communicates with an individual party, on their own, without the knowledge of all parties to a case). In order to keep the court process as fair, equal and as transparent as possible, *ex-parte* communication is strictly forbidden. It is unfair for the court to share information without all of the parties present.

You cannot email the judge or magistrate, as the email is considered an *ex-parte* communication. In addition, emails are not pleadings (motions.) You cannot write a personal letter to the judge or magistrate as this may be considered an *ex-parte* communication.

How can I speak to the judge or magistrate on my case?

Typically, to speak to the judge or magistrate on your case, you must file a written motion with the court explaining what you want the court to do and all motions become part of the public record. You also have to send a copy of whatever you file to the other parties, or their attorney if they are represented by an attorney (this is called "service"). A motion is not considered an *ex-parte* communication because all parties are officially notified. You may be required to pay a filing fee when you file your written motion. Please note, there is no fee if you wish to speak to the magistrate in an uncontested matter, on their assigned walk-in days.

I've heard there's always a magistrate on duty to hear arguments immediately – what does that mean?

There is a magistrate on duty every business day. The on-duty magistrate may answer generic procedural questions. The on-duty magistrate may also discuss matters in an uncontested case. For all other matters, the on-duty magistrate is prohibited from speaking with you. To address the court for these matters, you must file a written motion. The on-duty magistrate will set the matter for hearing before the magistrate assigned on your case or the judge.

What if I need to tell the judge or magistrate something I don't want the other party to know about?

Unfortunately, you cannot withhold information from another party to your case. In order to keep the case fair to everyone involved, as soon as you tell the judge or magistrate something, you must also tell the other parties. All sides must have an opportunity to respond to the information that you have shared with the court.

PROBATE COURT OF HAMILTON COUNTY, OHIO
RALPH WINKLER, JUDGE

IN THE MATTER OF: _____

CASE NO. _____

SELF-REPRESENTATION ACKNOWLEDGMENT

I acknowledge that I have read, understand and agree with all of the following statements:

1. The Court has recommended that I hire an attorney to represent me in this case. However, I have chosen to proceed with this case without the assistance of an attorney.

2. The Court and its Deputy Clerks are prohibited by law from providing legal advice. I will follow the instructions provided in the form packets and on the Court's website, www.probatect.org.

3. I am responsible for understanding and correctly applying any statutes, case law, rules, regulations, policies, and procedures that relate to this case, including, but not limited to, the Ohio Revised Code, Rules of Superintendence for the Courts of Ohio, Hamilton County Probate Court Local Rules of Practice, and the Ohio Rules of Civil Procedure.

4. The same standards that apply to attorneys and persons represented by attorneys in similar probate hearings will apply to myself.

5. If I do not fulfill my responsibilities in this case as required by law, I may be subject to sanctions or penalties as provided by law, which may include removal as fiduciary or being required to be represented by an attorney.

6. I may be personally liable to any person or entity that suffers damages as a result of anything I do or fail to do in this case that does not comply with the legal requirements.

_____
Fiduciary/Applicant/Guardian

_____
Typed Printed Name

_____
Address

_____
City/State/Zip

_____
Telephone Number (include area code)

_____
Email

PROBATE COURT OF HAMILTON COUNTY, OHIO
RALPH WINKLER, JUDGE

IN THE MATTER OF _____ , MINOR

CASE NO._____

APPLICATION FOR DEPOSIT OF MINOR'S FUNDS WITHOUT APPOINTMENT OF GUARDIAN

[R.C. 2111.05, $25,000 OR LESS]

Now comes the undersigned applicant, without the appointment of a guardian, and applies to the Court for an order releasing to _____, a depository authorized to receive fiduciary funds, the amount of $ _____, belonging to _____, a minor, from the following source: _____ gift; _____ inheritance; _____ insurance proceeds; _____ wrongful death proceeds (Estate No. _____ Estate Name_____); or _____ other (_____).

_____ _____
Attorney for applicant Applicant

_____ _____
Address Address

_____ _____
City, State, Zip Code City, State, Zip Code

_____ _____
Phone Number Phone Number

ORDER FOR DEPOSIT OF MINOR'S FUNDS WITHOUT APPOINTMENT OF GUARDIAN

Applicant is hereby ordered to release to _____, a depository authorized to receive fiduciary funds, in the sum of $ _____, being funds belonging to _____, a minor from the source described above. Said funds shall be held in the sole name of the minor and shall not be released until said minor attains the age of majority or until further order of the Court. Within fourteen (14) days of this order, the applicant shall file a Verification of Deposit with this Court.

_____
Ralph Winkler, Probate Judge/Magistrate

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