

SHELBY COUNTY PROBATE COURT

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GUARDIANSHIP OF MINOR CHECKLIST (revised 06/07/2016)

INITIATION REQUIREMENTS

- ___ Form 16.0 - Application for Appointment of Guardian of Minor (RC 2111.03)
- ___ Certified copy of minor's birth certificate (Local Rule 66.2(A))
- ___ Form 15.0 - Next of Kin of Proposed Ward (RC 2111.03)
- ___ Form 16.1 - Affidavit (to be filed only when guardianship of the person of a minor is sought) RC 3127.23)
- ___ Form 15.01 - Judgment Entry Setting Hearing on Application for Appointment of Guardian
- ___ Form 15.1 - Waiver of Notice and Consent (RC 2111.04)
- ___ Form 16.4 - Notice of Hearing on Application for Appointment – Guardian of Minor – To Parent, Known Next of Kin and Person Having Custody (if applicable) (RC 2111.04)
- ___ Form 16.3 - Notice of Hearing for Appointment of Guardian of Minor (to Minor Over Age 14) (if applicable) (RC 2111.04)

- ___ Security deposit for costs (Local Rule 58.1)

HEARING REQUIREMENTS

- ___ Form 16.2 - Selection of Guardian by Minor Over Fourteen Years of Age) (if applicable) (RC 2111.12)
- ___ Form 15.3 - Guardian's Bond (also see below) (RC 2109.04)
- ___ Form 16.5 - Judgment Entry – Appointment of Guardian of Minor (RC 2111.02)
- ___ Form 15.2 - Fiduciary's Acceptance – Guardian (RC 2111.14)
- ___ Form 15.9 - Oath of Guardian (RC 2111.02)
- ___ Form 15.4 - Letters of Guardianship (RC 2111.02)

PRECEDING GUARDIAN'S APPOINTMENT

- ___ Ward is to be a resident of/have legal settlement in the county (RC 2111.021)

- ___ All paragraphs/boxes/fields of Application to be completed/check-marked (RC 2111.03)
- ___ R.C. 2111.06 – If the powers of the person appointed as guardian of a minor or incompetent are not limited by the order of appointment, the person shall be guardian both of the person and estate of the ward.
- ___ The powers of guardian on the proposed Judgment Entry Setting Hearing, Notice of Hearing, Judgment Entry – Appointment of Guardian of Minor and Letters of Guardianship shall correspond to the powers requested on the Application for Appointment (i.e. limited/non-limited)

- ___ Separate guardianship for each proposed ward (Local Rule 66.1)

- ___ Personal service on minor over age 14 (RC 2111.04); service made by Deputy Clerk in office

- ___ **Guardian's Bond** (RC 2109.04)
 - ___ Bond required but not filed
 - ___ Motion/Order to Waive Bond with Consent (Local Rule 64.4)
 - ___ Motion/Order for Custodial Deposit in Lieu of Bond (Local Rule 75.2)

PROCEEDING GUARDIAN'S APPOINTMENT

- ___ **Guardian's Inventory** (RC 2111.14)
 - ___ Form 15.5 – Guardian's Inventory (due within three months after appointment) (RC 2111.14)

Application for Authority to Expend Funds

___ **Form 15.7 - Application for Authority to Expend Funds/Order**

___ Inventory must be filed before expenditure approved (*SupR 66*)

___ Except as provided in RC 2111.131, no part of ward’s estate shall be used for support, maintenance or education of ward unless ordered and approved by Court (*RC 2111.13*)

Guardian’s Report

___ **Form 17.7M (website #) - Report of Guardian of Minor** due one year from date of appointment and annually thereafter (*Local Rule 66.4*)

Guardian’s Account

___ **Form 15.8 – Guardian’s Account** (*RC 2109.302*)

___ Evidence of assets remaining must be documented (*Local Rule 64.5*)

___ **Form 15.81 – Bank Certificate** (*RC 2109.302*)

___ **Form 15.82 - Certificate of Service of Notice of Filing Guardian’s Account** (*Local Rule 4.1*)

___ to be filed simultaneous with account (*RC 2109.32*)

___ **Form 15.83 - Affidavit of Service of Notice of Hearing** (*RC 2109.33, Local Rule 64.1*)

___ **Form 13.7 - Waiver of Notice of Hearing on Account** (*RC 2109.33*)

___ **Form 13.5 - Notice of Hearing on Account** (*RC 2109.33*)

___ Notice of Hearing on Account must be served by **certified mail, return receipt requested**; original signed certified mail cards to be filed with copy of Notice

___ **Form 13.3 - Entry Approving and Settling Account** (*RC 2109.32*)

___ Attorney or Fiduciary must check any applicable boxes including account date

___ Account calculations/totals must be correct

___ Account must be filed on annual basis unless otherwise ordered by court (*Local Rule 64.1, SupR 64*)

___ All fiduciaries must sign account when multiple fiduciaries have been appointed (*RC 2109.32, Local Rule 64.1*)

___ Vouchers in support of account not required if fiduciary is represented by counsel (*Local Rule 64.3*)

___ Costs must be paid before final/distributive account is approved (*SupR 64, Local Rules – Appendix “A”*)

___ If Account is delinquent, no expenditure/sale/distribution, or fee will be approved (*Local Rule 64.2*)

Extension of Time

___ Application to extend time to file inventory or account shall not be granted unless fiduciary has signed the application (*SupR 78*)

Counsel Fees

___ Fees for establishment/inventory/first account shall be reasonable and beneficial, in writing, using calculations (*Local Rule 71.2B, C, D*) (see website for use of Guardianship Fee Calculator)

___ After first account, applications shall be reasonable and beneficial, in writing setting forth details of calculations (*Local Rule 71.2E*)

___ Attorney is also Guardian: time records should show separate duties; if fails to maintain these records, only Guardian’s compensation will be allowed (*Local Rule 71.2F, 73.1*)

___ Postage fees (other than for overnight, certified or registered mail, or certificate of mailing), copy costs, and telephone charges shall be considered part of the legal services of an ordinary nature rendered by the attorney for the guardian in the administration of the guardianship. An attorney

may be reimbursed for the advancement of other costs and expenses, such as overnight, certified and registered mail, court deposits, court costs, vehicle titles, recording fees and death certificates. However, all such reimbursements are subject to Court review.

_____ Applications for approval of counsel fees in a guardianship shall be filed preceding or simultaneous with the filing of a Partial Account or Final Account, to ensure the frequency of the filing of an application at least every year or every two years. Fee applications submitted for time spans covering more than two years, or submitted after the Final Account has been approved and filed, will not be approved without proof of justifiable cause.

Guardian's Compensation

_____ Computations do not comply with Local Rules (*Local Rule 73.1, SupR73*)

_____ Lay persons appointed as Guardians for an indigent ward shall be compensated at the rate of \$25.00 per hour to the maximum of \$200.00 per year (the same rate as defined by Local Rule 8.1 – Court Appointments).

_____ Applications for approval of guardian fees shall be filed preceding or simultaneous with the filing of a Partial Account or Final Account, to ensure the frequency of the filing of an application at least every year or every two years. Fee applications submitted for time spans covering more than two years, or submitted after the Final Account has been approved and filed, will not be approved without proof of justifiable cause.

Termination of Guardianship

_____ **Form 115.60 – Application to Terminate Guardianship** (*RC 2111.46*)

_____ Application requires hearing and notice of hearing be given UNLESS all persons designated by R.C. 2111.04 and any other individuals who received actual notice of the original appointment of the guardian have waived notice (*RC 2111.04, Local Rule 66.5*)

_____ **Form 115.61 – Entry Setting Hearing** (required only if Waivers of notice cannot be obtained as outlined above)

_____ **Form 115.63 – Notice of Hearing on Application to Terminate** (required only if Waivers of notice cannot be obtained as outlined above)

_____ **Form 115.66 – Waiver of Notice of Hearing on Application to Terminate**

_____ **Form 115.62 – Entry Terminating Guardianship**

_____ Final Account, if applicable, due within 30 days of termination and costs to be paid in full (*RC 2109.32, SupR 64*)

Emergency Guardianship

_____ **Please see Local Rule 66.0 for procedures/requirements for filing an Emergency Guardianship**

OTHER _____
