

WAYNE COUNTY PROBATE COURT

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GUARDIANSHIP OF MINOR CHECKLIST

Deposit: \$195.00

INITIATION REQUIREMENTS

- ___ Form 16.0 – Application for Appointment of Guardian of Minor (*RC 2111.03*)
- ___ Certified copy of minor’s birth certificate [*Local Rule 66.1(I)*]
- ___ 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*)
- ___ Form 18.3.1 Affidavit of Unknown Name – Residence of Father (if applicable)
- ___ Form 15.0.2 – Consent to Criminal and Civil Background Check
- ___ Form 15.3.1 – Motion to Dispense with Bond (if applicable and guardian of estate is requested)
- ___ Form 15.5.1 - Statement of No Assets (if applicable and guardian of estate is requested)
- ___ Form 15.2 – Fiduciary’s Acceptance (*RC 2111.14*)
- ___ Form 17.13.1 – Affidavit of Guardian Applicant (*Sup.R.66.05(A)(2)*)
- ___ Form 15.3 – Guardian’s Bond (if guardian of estate is requested and motion to dispense with bond is not filed - see below) (*RC 2109.04*)
- ___ \$195.00 Filing Fee (Local Rule 58.1)
- ___ Ward must be a resident of/have legal settlement in the county (*RC 2111.021*)
- ___ Submit proposed forms for Judge’s signature
- ___ Form 16.2 – Selection of Guardian by Minor Over Fourteen Years of Age (if applicable) (*RC 2111.12*)
- ___ Form 16.5 – Judgment Entry – Appointment of Guardian of Minor (*RC 2111.02*)
- ___ Form 15.9 – Oath of Guardian (*RC 2111.02*)
- ___ Form 15.4 – Letters of Guardianship (*RC 2111.02*)
- ___ Form 15.3.2 - Entry Dispensing with Bond (if applicable)

Guardian’s Inventory (*RC 2111.14*)

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

Application for Authority to Expend Funds (Inventory must be filed and guardian must be up to date on all accounts)

- ___ Form 15.6 – Application to Release Funds to Guardian/Order
- ___ Form 15.7 – Application for Authority to Expend Funds/Order
- ___ Except as provided in *RC 2111.131*, no part of ward’s estate shall be used for support, maintenance or education of ward unless approved by Court. (*RC 2111.13*)

Guardian’s Account

- ___ Form 15.8 – Guardian’s Account (*RC 2109.302*)
 - ___ Supporting documentation (bank statements) should be filed.
 - ___ Evidence of assets remaining must be documented (ex: ending balance of account must match bank statement)
 - ___ Account due one year after Letters of Appointment issued and every year thereafter (*Local Rule 66.7(B), SupR 64*)
 - ___ Account must pick up where inventory or previous account left off
 - ___ All expenditures must be approved in advance and accounted for.
- ___ Form 15.8.1 – Bank Certificate (*RC 2109.302*)
- ___ Form 13.7 – Waiver of Notice of Hearing on Account, if applicable, signed by next of kin (*RC 2109.33*)
- ___ Form 13.3 – Entry Approving and Setting Account (*RC 2109.32*)
- ___ If account is delinquent, no expenditure/sale/distribution, or fee will be approved.
- ___ Costs must be paid before final/distributive account is approved (*SupR 64*).

Guardian Fees

- ___ Motion/Entry for Guardian Fees (if guardianship of estate is in place)
 - ___ submitted with accounting on an annual basis
 - ___ ensure that fees are for period of time covered by accounting period – approx. 1 yr
 - ___ fee permitted by local rule (*Local Rule 73.1*)
 - ___ based on amount equal to 3% on all amounts of income plus an amount equal to 3% on all amounts expended during the accounting period
 - or
 - ___ \$75.00 minimum fee

Attorney Fees

- ___ Motion/Entry for Attorney Fees (if guardianship of estate is in place)
 - ___ submitted with accounting on an annual basis
 - ___ ensure that fees are for period of time covered by accounting period – approx. 1 yr
 - ___ fee breakdown must be included showing actual services provided and time spent
 - ___ fee breakdown should not include matters that do not require professional skills, such as writing checks and paying bills. The attorney will not be compensated for either preparing the fee statement/application or attending hearing on fees. (*Local Rule 71.3*).

Termination of Guardianship

- ___ Form 27.9 – Application to Terminate Guardianship (*RC 2111.47*)
- ___ Form 27.9 – Entry Terminating Guardianship
- ___ Final Account due within 30 days of termination (*RC 2109.32, see also SupR64*)