

# SHELBY COUNTY PROBATE COURT

[www.shelbycoprobate.org](http://www.shelbycoprobate.org)

## GUARDIANSHIP OF MINOR CHECKLIST

### 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 (if applicable) (*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 (OR waiver, as outlined 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 a resident of/has legal settlement in the county (*RC 2111.021*)
  
- \_\_\_ All paragraphs of Application to be completed (necessary, type, limited, estimated estate, bond) (*RC 2111.03*)
  
- \_\_\_ 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*)

- \_\_\_ Due within three months after appointment (*RC 2111.14*)
- \_\_\_ Form 15.5 – Guardian's Inventory
- \_\_\_ Form 15.5JE - Judgment Entry/Orders on Filing Inventory

#### **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 Account**

- \_\_\_ Form 15.8 – Guardian's Account (*RC 2109.302*)
- \_\_\_ Form 213.80 - Entry Setting Hearing on Account (*RC 2109.32*)
- \_\_\_ Form 15.81 – Bank Certificate (*RC 2109.302*)
- \_\_\_ Form 13.2 - Assets Remaining in Fiduciary's Hands (*RC 2109.302*)
  - \_\_\_ Evidence of assets must be documented (*Local Rule 64.5*)
- \_\_\_ Form 15.82 - Certificate of Service of Notice of Filing Guardian's Account (*Local Rule 64.1*)
  - \_\_\_ 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*)
- \_\_\_ Form 13.3 - Entry Approving and Settling Account (*RC 2109.32*)
  - \_\_\_ Attorney or Fiduciary must check any applicable boxes

\_\_\_ Calculations/totals incorrect

\_\_\_ 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*)

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

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

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

\_\_\_ Costs must be paid before final/distributive account is approved (*SupR 64*)

### **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*)

### **Guardian's Compensation**

\_\_\_ Computations do not comply with Local Rule (*Local Rule 73.1, SupR73*)

### **Termination of Guardianship**

- \_\_\_ Form 115.60 – Application to Terminate Guardianship (*RC2111.46*)
  - \_\_\_ Requires notice unless waived (*RC 2111.04, Local Rule 66.6*)
- \_\_\_ Form 115.61 – Entry Setting Hearing
- \_\_\_ Form 115.62 – Entry Terminating Guardianship
- \_\_\_ Form 115.63 – Notice of Hearing on Application to Terminate
- \_\_\_ Form 115.66 – Waiver of Notice of Hearing on Application to Terminate

\_\_\_Final Account due within 30 days of termination (*RC 2109.32*)

**OTHER**

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