

FILINGS

1. SPF 22.0: Application to Settle a Minor's Claim and Entry Setting Hearing
2. SPF 22.1: Waiver and Consent to Settle Minor's Claim
3. SPF 22.2: Entry Approving Settlement of a Minor's Claim
4. SPF 22.3: Verification of Receipt and Deposit
5. SPF 22.4: Report of Distribution and Entry of a Minor's Claim

APPLICATION

1. Brought by guardian of the estate or parent or the custodial parent if the court dispenses with the need for a guardian. [Sup.R. 68(A)]
2. Captioned in the name of the minor. [Sup.R. 68(A)]
3. Shall be accompanied by: [Sup.R. 68(B)]
 - a. A current statement of an examining physician stating the injuries sustained, the extent of recovery, and the permanency of any injuries.
 - b. The existence and amount of additional consideration being paid to persons other than the minor as a result of the incident causing injury.
 - c. The arrangement, if any, that has been made with respect to counsel fees (subject to court approval).

NOTICE

Noncustodial parents are entitled to 7 days notice. The notice may be waived. [Sup.R. 68(A)]

PRESENCE AT THE HEARING

Both the injured minor and the applicant are to be present at the hearing. [Sup.R. 68(C)]

The court has the ability to waive the appearance of the minor for good cause. [Sup.R. 76]

APPOINTMENT OF GUARDIAN

1. Either parent or the custodian of the minor can apply. The court does not favor co-guardians.
2. The guardianship and settlement applications can be heard at the same time.
 - a. Exception: If the minor is over the age of 14, then personal service on the minor for the appointment of his or her guardian is required. A minimum of 7 days notice is required and cannot be waived. [R.C. 2111.04(A)(1)(a)]
3. Guardians may be required to give a bond. [R.C. 2111.38]

ESTATE \$25,000 OR LESS

1. If the net proposed settlement of the claim is \$25,000 or less after payment of fees and expenses as allowed by the court, the court, upon application by any suitable person whom the court may authorize to receive and receipt for the settlement, may authorize without the appointment of a guardian. [R.C. 2111.18]
2. The court may authorize the delivery of monies in the following manner:
 - a. In a depository authorized to receive fiduciary funds, payable to the guardian when appointed, or to the ward when the ward attains majority; or
 - b. To the natural guardian of the minor, to the person by whom the minor is maintained, to the executive director of children services in the county, or to the minor's own self. [R.C. 2111.05]

ESTATE NOT MORE THAN \$10,000 [Sup.R. 67]

1. Each application shall indicate the amount of money or property to which the minor is entitled and to whom such money or property shall be paid or delivered.
2. The attorney representing the interests of the minor shall prepare an entry that orders the following:
 - a. The deposit of funds in a financial institution in the name of the minor;
 - b. Impounding the principal and interest;
 - c. Releasing the funds only upon an order of the court or to the minor at the age of majority.
3. The entry order shall be presented at the time the entry dispensing with appointment of a guardian or approving settlement is approved.
4. The attorney shall be responsible for depositing the funds and for providing the financial institution with a copy of the entry.
5. The attorney shall obtain a Verification of Receipt and Deposit (SPF 22.3) from the financial institution and file the form with the court within seven days from the issuance of the entry.

RELEASE

The court may authorize the person receiving the moneys to execute a complete release on account of the receipt. The payment shall be a complete and final discharge of that claim. [R.C. 2111.18]

WAIVER BY MINOR'S PARENTS

The parent(s) of the minor may waive all claims for damages on account of loss of service of the minor, and that claim may be included in the settlement. [R.C. 2111.18]