

INSTRUCTIONS FOR SETTLING AN ADULT WARD'S CLAIM FOR PERSONAL INJURY

These instructions are intended as a guideline only and should not be relied upon as a comprehensive list of duties in an adult ward's settlement.

Whenever an adult ward is receiving a settlement from a personal injury, regardless of the amount of the award, the Application must be filed in Probate Court by the guardian of the estate, unless the settlement is less than \$25,000. In those cases, the guardian of the person may file the application.

The Application will be assigned to a magistrate and set for hearing. Notice of the hearing must be given to all interested parties as determined by the Court.

A narrative statement must accompany the application. The application must contain a current statement of the examining physician describing the injuries sustained and the extend of recovery from those injuries and the permanency of any injuries.

A fee is required at the time of filing. Current Court Costs are posted at: <https://www.probatect.org/about/general-resources>.

This fee must be paid in cash, certified check, Visa, MasterCard, Discover, or American Express. No personal checks or money orders will be accepted.

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

PROCEDURAL STEPS

STEP 1: COMPLETE THE FOLLOWING FORMS

Application to Settle an Adult Ward's Claim (Form 22.5)

- Complete information, and if an attorney is obtained, have attorney complete applicable information.
- **Attach the following:**
 - o **Attorney fee contract for personal injury representation.**
 - o **A narrative statement.**
 - o **A statement from the examining physician regarding the injuries sustained.**
 - o **Required affidavits if the settlement is structured.**

Entry Setting Hearing and Ordering Notice (H.C. Form 22.51)

- Fill in the name of the adult ward only, the magistrate will fill in the hearing date & time and sign & date the form.

Waiver and Consent to Settle an Adult Ward's Claim (Form 22.52)

- Complete form.
- Next of kin must waive notice or be served notice by certified mail of the hearing date and time.

Entry Approving Settlement of an Adult Ward's Claim (Form 22.6)

- Complete form.
- Present to Magistrate at the hearing.

STEP 2: ASSIGNING OF MAGISTRATE & REVIEWING OF FORMS

When all forms have been completed, present them to the magistrate's assistant on the 9th Floor of Probate Court for a magistrate to be assigned.

STEP 3: FILING OF PAPERS WITH CASHIER

All forms are then taken to the cashier and a case number will be assigned. The cashier will require the payment of the filing fee. The cashier will stamp the case number on all forms.

STEP 4: DAY OF HEARING

At the date and time of the hearing, the applicant and the attorney (if one is obtained) should report to the 9th floor of the Probate Court to the assigned magistrate (The magistrate will already have the case file). Upon conclusion of the hearing, the final papers will be filed with the cashier. The cashier will determine if any additional filing fees are due.

STEP 5: DEPOSITING OF FUNDS AND FILING OF VERIFICATION OF DEPOSIT

Without appointment of a guardian of the estate:

Once the settlement has been approved, the net settlement proceeds must be deposited into a bank located in Hamilton County. The funds must be held in the sole name of the ward. After the money has been deposited, a **Verification of Receipt and Deposit (H.C. Form 22.3)** and the **Report of Distribution and Entry (Form 22.7)** must to be presented to the assigned magistrate to be approved, and then filed with the cashier to complete the case.

With appointment of a guardian of the estate and funds deposited in a Custodial Depository:

Packet for Custodial Accounts needs to be completed.

Once the settlement has been approved, the check needs to be deposited into a deposit in lieu of account in the name of the adult ward. After the money has been deposited, a **Verification of Receipt and Deposit (H.C. Form 204.07)** and a **Report of Distribution and Entry (Form 22.7)** must be presented to the assigned magistrate to be approved, and then filed with the cashier to complete the case.

With the appointment of a guardian of the estate and the funds maintained in a guardian's account:

Once the net settlement proceeds have been deposited into a bank located in Hamilton County, present the **Report of Distribution and Entry (Form 22.7)** to the assigned magistrate for approval. File the approved forms with the cashier.