

CHECKLIST

GUARDIANSHIP OF MINOR

MANDATORY DEPOSIT DUE AT TIME OF FILING:

\$150.00, (Cash / Check / Money Order only)

Certified mail costs for anyone needing to be served notice (*if applicable*)

REQUIREMENTS:

In rare circumstances, a minor guardianship may be necessary for situations in which a minor needs a legal guardian due to circumstances where the minor's parents are deceased or otherwise unable to care for the child. Our Court will not accept for filing any application for guardianship of a minor where the sole or primary purpose of the proposed guardianship is to establish residency for the minor to enroll in school or for the purposes of transferring physical custody of a minor from a parent to any other person. Custody for these purposes is a matter that must be submitted to and determined by the Juvenile Court or Domestic Relations Court.

A minor guardianship for Estate purposes must be established in Probate Court when a minor has received \$25,000 or more.

For more information on Minor Guardianships please refer to Lake County Local Rule 66.10 and 67, and R.C. 2111.03(C)

Note: All paperwork should be typed, single-sided, and please do not staple original paperwork.

INITIAL FILING: All forms listed and the deposit must be presented to the Court together or the proceeding will not be initiated

- Application for Appointment of Guardian of Minor (LCPC Form 16.10)
- Affidavit (LCPC Form 16.1A) *if applicable*
- Photocopy of the Minor's birth certificate
- Notice/Consent: All parties listed on the Next of Kin of Proposed Ward (Form 15.0), who are Ohio residents, age 18 or older, must either Consent (Form 15.1) or be served Notice of the Hearing. Both parents, regardless of which state they reside in, must either consent or be served notice.
 - o Notice of Hearing on Application for Appointment of Guardian of Minor to Parent, Known Next of Kin, and Person Having Custody (Form 16.4) *If applicable*
 - o Waiver of Notice and Consent (Form 15.1) *If applicable*
- Selection of Guardian of Minor over Fourteen Years of Age (Form 16.2) *If applicable*
- Consent to Web Check Criminal Background Check of the applicant
 - o See Local Rule 66.05(A) for requirements (LCPC Form 17.11)
 - o If an Applicant has not been a resident of Ohio continuously for the last five years, the Applicant also must obtain an FBI criminal records check
 - o Applicant must obtain background check themselves at the Lake County Educational Service Center.
- Oath of Guardian (Form 15.9)
- Fiduciary's Acceptance (Form 15.2)
- Guardian Receipt of Handbook (LCPC 27.12) [Role of Guardian Handbook](#)

LATER FILINGS AFTER GUARDIAN IS APPOINTED

- Every year the Guardian MUST file a Status Letter with the Court (*Guardian of Person Only*).
- Verification of Receipt and Deposit (Form 22.3) *If applicable*
- Guardian's Bond (Form 15.3) (*Guardian of Estate Only*)
- Guardian's Inventory (Form 15.5) (*Guardian of Estate Only*)
 - o Due **3 months following the date of Appointment** of Guardian
- Application to Release Funds to Guardian (Form 15.6) (*Guardian of Estate Only*)
 - o *This may only be filed after bond has posted, if bond was ordered.*
- Application for Authority to Expend Funds (Form 15.7) (*Guardian of Estate Only*)
- Guardian's Account (Form 15.8) (*Guardian of Estate Only*)
 - o Due **1 year following Appointment**, and then every year thereafter.

Court of Common Pleas
Division of Probate
Judge Mark J. Bartolotta



Lake County Courthouse, West Annex
25 North Park Place, P.O Box 490
Painesville, Ohio 44077
440-350-2626
www.lakecountyoohio.gov/probatelco

**PROBATE COURT OF LAKE COUNTY, OHIO
JUDGE MARK J. BARTOLOTTA**

GUARDIANSHIP OF _____

CASE NO. _____

CONTACT INFORMATION FORM

Please check the applicable box:

- This is the original contact information for this case.
- This is amended contact information for this case. Only the information that has changed is shown on this form. All other information remains the same as shown on the original contact information form.

Attorney for Applicant(s) _____

Attorney's Street Address _____

City, State and Zip Code _____

Attorney's Telephone Number _____

Fax Number _____

Attorney's Email Address _____

Attorney's Registration Number _____

Applicant's Name _____

Applicant's Street Address _____

City State and Zip Code _____

Applicant's Telephone Number _____

Applicant's Email Address _____

Co-Applicant's Name _____

Co-Applicant's Street Address _____

City, State and Zip Code _____

Co-Applicant's Telephone Number _____

Co-Applicant's Email Address _____

**PROBATE COURT OF LAKE COUNTY, OHIO
JUDGE MARK J. BARTOLOTTA**

IN THE MATTER OF THE GUARDIANSHIP OF _____

CASE NO. _____

**APPLICATION FOR APPOINTMENT OF GUARDIAN OF MINOR [R.C.
2111.03(C)]**

The Minor(s) is/are (a) resident(s) of _____ County, Ohio.

Name of Minor	Age	Date of Birth	Residence or Legal Settlement
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

A guardian is necessary pursuant to R.C. 2111.06 because (please explain reason(s) below).

TYPE OF GUARDIANSHIP APPLIED FOR IS

___ non-limited ___ limited ___ person and estate ___ estate only ___ person only

IF THE APPLICATION IS FOR LIMITED GUARDIANSHIP,

The length (time period) of the guardianship requested is:

___ indefinite ___ definite to _____, 20___

The limited powers requested are: _____

___ An Affidavit of Custody pursuant to R.C 3127.23(Form 16.1) is attached.
(For *Guardian of the Person* only)

Att Attached is a list of the next of kin of the minor (Form 15.0).

Applicant (has / has not) been charged with, or convicted of, a crime involving theft; physical violence; or sexual, alcohol, or substance abuse. If the Applicant has been so charged or convicted, list the dates and places of the charge(s) or conviction(s) (R.C. 2111.03(A)).

Charge	Date	Place (City, State)
_____	_____	_____
_____	_____	_____

THE WHOLE ESTATE OF SAID MINOR IS ESTIMATED AS FOLLOWS

Personal Property	\$ _____
Real Estate	\$ _____
Annual Rental Income.....	\$ _____
Other annual income	\$ _____
Total	\$ _____

Applicant offers the attached bond in the amount of \$ _____

INFORMATION CONCERNING THE PROSPECTIVE GUARDIAN/APPLICANT (R.C 2111.03)

Name and AKA _____

Relationship to Minor(s) _____

Occupation _____

Work Address _____

City, State _____ Zip _____

-If the minor's age is over 14 years, he/she does does not consent to the selection of the applicant as guardian.

Consent is attached pursuant to R.C. 2111.12 (Form16.2)

-Applicant (is / is not) an administrator, executor, or other fiduciary of the estate wherein the minor is interested or entitled to an interest (R.C 2111.09).

I hereby certify that all the information and statements contained in this application and attached exhibits are correct to the best of my knowledge and belief.

Attorney for Applicant Signature

Applicant Signature

Typed or Printed Name

Typed or Printed Name

Address

Address

City State Zip

City State Zip

Phone Number (include area code)

Phone Number (include area code)

Supreme Court Registration Number

Date of Birth

**PROBATE COURT OF LAKE COUNTY, OHIO
JUDGE MARK J. BARTOLOTTA**

IN THE MATTER OF THE GUARDIANSHIP OF _____

Case No. _____

**AFFIDAVIT
[R.C. 3127.23]**

State of Ohio, County of _____ s.s.

(To be filed only when Guardianship of the Person of a minor is sought.)

Affiant being first duly sworn, deposes and says:

1. That the child's present address, the places where the child has lived **within the last five years**, and the names and present addresses of the person(s) with whom the child has lived during that period are: (Attach additional sheets if necessary)

2. That affiant has (not) participated as a party, witnesses, or in any other capacity in any litigation concerning the custody of the child(ren) in this or any other state.
3. That affiant has (no) information or any custody proceeding concerning the child(ren) pending in a court of this or any other state.
4. That affiant has (no) knowledge of any person not a party to the proceedings who has physical custody of the child(ren) or claims to have custody or visitation rights with respect to the child(ren).

If 2, 3, or 4 is answered in the affirmative, affiant shall provide a full explanation, and shall attach and incorporate herein any necessary information.

Affiant realizes that he/she has a continuing duty to inform the Court of any custody proceedings concerning the child(ren) in this or any other state of which affiant obtains information during the pendency of this proceeding.

Sworn to before me and subscribed in my presence this _____ day of _____, _____

Notary Public

**PROBATE COURT OF LAKE COUNTY, OHIO
JUDGE MARK J. BARTOLOTTA**

IN THE MATTER OF THE GUARDIANSHIP OF _____

CASE NO. _____

NEXT OF KIN OF PROPOSED WARD
[R.C. 2111.04]

(NOTE: Specify age and birthdate of each minor under 16 on the line containing the minor's name. List the name and address of the minor's parent, guardian or custodian on the name and address lines following the minor's address.)

Service Waived	Relationship	Birthdate Of Minor
1. []	Name _____	_____
	Address _____	Zip _____
2. []	Name _____	_____
	Address _____	Zip _____
3. []	Name _____	_____
	Address _____	Zip _____
4. []	Name _____	_____
	Address _____	Zip _____
5. []	Name _____	_____
	Address _____	Zip _____
6. []	Name _____	_____
	Address _____	Zip _____
7. []	Name _____	_____
	Address _____	Zip _____
8. []	Name _____	_____
	Address _____	Zip _____
9. []	Name _____	_____
	Address _____	Zip _____
10. []	Name _____	_____
	Address _____	Zip _____

_____ Date

_____ Applicant

**PROBATE COURT OF LAKE COUNTY, OHIO
JUDGE MARK J. BARTOLOTTA**

IN THE MATTER OF THE GUARDIANSHIP OF _____

CASE NO. _____

WAIVER OF NOTICE AND CONSENT

We, the undersigned, do each of us hereby waive the issuing and service of notice, and voluntarily enter our appearance herein.

We do hereby consent to the appointment of _____.

_____	_____
_____	_____
_____	_____
_____	_____

**PROBATE COURT OF LAKE COUNTY, OHIO
JUDGE MARK J. BARTOLOTTA**

IN THE MATTER OF THE GUARDIANSHIP OF _____

CASE NO. _____

**SELECTION OF GUARDIAN BY MINOR
OVER FOURTEEN YEARS OF AGE
(R.C. 2111.12)**

The undersigned hereby selects _____
a resident of _____ County, Ohio, as Guardian of the (person and estate),
and respectfully asked the Court to appoint _____
Guardian.

Signature

Date of Birth

**PROBATE COURT OF LAKE COUNTY, OHIO
JUDGE MARK J. BARTOLOTTA**

IN THE MATTER OF)
)
)
 _____) CASE NO. _____
 JUDGE MARK J. BARTOLOTTA

CONSENT TO WEBCHECK CRIMINAL BACKGROUND CHECK
[Loc.R. 66.05(A)]

I, the undersigned, hereby authorize the Lake County Educational Service Center or alternate Lake County location to perform a criminal background check using the WEBCHECK system. The results will be sent directly to the Lake County Probate Court to become a permanent part of the Court’s record.

Signature _____ Date

Printed Name

Address

Telephone Number

Date of Birth

LAKE COUNTY PROBATE COURT PROCEDURE FOR CRIMINAL BACKGROUND CHECK:

Before a guardian is appointed, a criminal background check of the Applicant(s) shall be performed.

- Sign the attached Consent to WEBCHECK Criminal Background Check and go to the Lake County Educational Service Center within five (5) days of filing the Application for Guardianship.

Address: 8221 Auburn Road
Concord Township, Ohio 44077

- Center will complete the fingerprints and mail them directly to the Probate Court.
- An FBI Investigation will also be required if the Applicant(s) has not been a resident of Ohio continuously for the last five (5) years.

LAKE COUNTY ESC OF THE WESTERN RESERVE GUIDELINES:

- Background services are by appointment only.
 - # 440-350-2563, ext. 1703 or press 0 for the receptionist
- Applicants must present one (1) VALID form of ID (see below). Expired ID will not be accepted
 - Driver's License
 - State I.D.
 - Passport
- Your social security number is required to process the background check.
- Cost
 - BCI \$35.00; FBI \$40.00; BCI & FBI \$70.00
- Payments Accepted
 - Cash (exact amount), check/money order, or credit card.
- Applicants must know the reason for the background check (i.e. Guardianship).
- Applicants must know which background check they need, BCI, FBI, or both.
- Applicants must know the address where the results need to be sent.

**LAKE COUNTY PROBATE COURT
ATTENTION GUARDIANSHIP DEPARTMENT
P.O BOX 490
PAINESVILLE, OHIO 44077**

**PROBATE COURT OF LAKE COUNTY, OHIO
JUDGE MARK J. BARTOLOTTA**

GUARDIANSHIP OF: _____

CASE NO. _____

RECEIPT
[R.C. 2111.011]

I hereby acknowledge receipt of the Guardian's Guidebook.

Guardian's Printed Name

Guardian's Signature

Street

Telephone Number (include area code)

City State Zip Code

Email

**PROBATE COURT OF LAKE COUNTY, OHIO
JUDGE MARK J. BARTOLOTTA**

GUARDIANSHIP OF _____

CASE NO. _____

**OATH OF GUARDIAN
[R.C. 2111.02(C)]
[To be taken on Appointment of Guardian]**

I, _____, Guardian of
_____, will faithfully and completely fulfill my duties as Guardian,
including the duty:

- To file, and continue to make diligent efforts to file, a true inventory in accordance with the Ohio Revised Code, and report all assets belonging to the estate of my ward.
- To file timely and accurate reports.
- To file timely and accurate accounts.
- To, at all times, protect my ward's interests and to make all decisions based on the best interest of my ward.
- To apply to the Court for authority to expend funds prior to so doing.
- To obey all orders and rules of this Court pertaining to guardianships.

Guardian

The above oath was taken and signed in my presence on this _____ day of
_____, _____.

Judge/Magistrate

**PROBATE COURT OF LAKE COUNTY, OHIO
JUDGE MARK J. BARTOLOTTA**

IN THE MATTER OF THE GUARDIANSHIP OF _____

CASE NO. _____

FIDUCIARY'S ACCEPTANCE

GUARDIAN

[R.C. 2111.14]

I, the undersigned, hereby accept the duties which are required of me by law, and such additional duties as are ordered by the Court having jurisdiction.

AS GUARDIAN OF THE ESTATE, I WILL:

1. Make and file an inventory of the real and personal estate of the ward within 3 months after my appointment.
2. Deposit funds which come into my hands in a lawful depository located within this state.
3. Invest surplus funds in a lawful manner.
4. Make and file an account biennially, or as directed by the Court.
5. File a final account within 30 days after the guardianship is terminated.
6. Inventory any safe deposit box of the ward.
7. Preserve any and all Wills of the ward as directed by the Court.
8. Expend funds only upon written approval of the Court.
9. Make and file a guardian's report biennially, or as directed by the Court.

AS GUARDIAN OF THE PERSON, I WILL:

1. Protect and control the person of my ward, and make all decisions for the ward based upon the best interest of the ward.
2. Provide suitable maintenance for my ward when necessary.
3. Provide such maintenance and education for my ward as the amount of the estate justifies if the ward is a minor and has no parents, or has a parent who fails to maintain and educate the ward.
4. Make and file a guardian's report biennially, or as directed by the Court.
5. Obey all orders and judgments of the Court pertaining to the guardianship.
6. Obtain the written approval of the Court before executing a caretaker power of attorney authorized by R.C. 3109.52.

If I change my address or the ward's address, I shall immediately notify Probate Court in writing. I acknowledge that I am subject to removal as such fiduciary if I fail to perform such duties. I also acknowledge that I am subject to possible penalties for improper conversion of the property which I hold as such fiduciary.

Date

Fiduciary