

## Minor Settlements in Ohio

### By Nick Adair

In an ever-changing legal environment, one thing has always remained true – minor settlements in Ohio require Probate approval, no matter how small. The process may seem daunting, but ultimately there are only three primary steps: (1) preparing and submitting the application to the Probate Court, (2) attending the hearing before the Probate Judge, and (3) depositing the funds into a custodial account and submitting verification of the same to the Court.

To begin, the person identified as the applicant depends upon the amount of the settlement. If the settlement exceeds \$25,000, then a guardian must be appointed to file the application. Otherwise, the parents or custodians of the child may move forward as the applicant without formally being appointed as guardian. The application should also include relevant medical records, a statement from a physician regarding the minor's injuries, a narrative statement describing the occurrence, the child's prognosis and any other settlements resulting from the occurrence, and a copy of the minor's birth certificate.

Depending upon the jurisdiction and the circumstances surrounding the minor's injuries, there may be additional forms that need to be submitted along with the application. Once the requisite paperwork has been filed, the Court will set a hearing. The injured minor is required to attend in addition to the applicant. If the above requirements have been met and there are no other issues, the Judge will sign an Entry approving the settlement.

With the signed Entry, a custodial account can now be set up with a bank and the funds deposited. After doing so, the Court requires two additional forms be completed and filed – a Verification of Receipt and Deposit which is completed and filed by the bank, and a Report of Distribution, which is completed and filed by the applicant. These filings will conclude the minor settlement process. While the Supreme Court of Ohio has [draft forms](#) available on their website, the jurisdictional requirements may vary.

Under some circumstances, it may be appropriate to obtain a release executed by the parents of the minor which obligates the parents to obtain approval of the settlement through the appropriate Probate Court. The release should also require the parents to indemnify the paying party should the parents fail to do so.

If you have questions about the minor settlement approval process or the necessity of such language in a Release, please contact any of the listed Roetzel attorneys.

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