Minor Trust

A minor trust created pursuant to Ohio Revised Code 2111.182 is a court-approved trust established for the benefit of a minor who receives funds as a result of a personal injury claim, settlement, inheritance, etc. In many cases, a minor trust may be preferable to a restricted account or guardianship because it permits the Probate Court to maintain structured oversight of the funds while allowing the assets to remain protected beyond the child's eighteenth birthday. Whereas funds held in a restricted account or under guardianship are typically distributed outright to the minor upon reaching the age of majority, a trust established pursuant to R.C. 2111.182 may continue until a later age authorized by the Court, often age twenty-five. The trust is intended to protect the minor's recovery while allowing for prudent administration of the funds in a manner consistent with the child's present and future needs. This structure can provide greater long-term protection and management of settlement proceeds while still requiring prior court approval for distributions and preserving the Court's supervisory role over the minor's financial interests.

Initial Filing Requirements

- Application to Create Trust and related Entry (Stark Loc. Form 36.1A and B)
- Application for Appointment of Trustee and related Entry (Stark Loc. Form 36.2A and B)
- Trust Document (the Court has a template Trust document you may use or modify, subject to Court approval – Stark Loc. Form 36.8)
- Trustee's Acceptance (Stark Loc. Form 36.3)
- Criminal Background Check Release, if Applicant is an individual (Stark Loc. Form 36.7)

Upon receipt of the foregoing, the Court will review and, if approved, issue an "Entry Appointing Trustee; Letters of Authority." The date the Letters of Authority are issued is your date of appointment.

The establishment of a trust may be used in lieu of a guardianship upon application and approval from the Probate Court. To ask the Court to dispense with guardianship, the Child's parents or guardian may complete and file Stark Loc. Forms 16.0A, 16.0B, and 16.01C.

Ongoing Filing Requirements

- Trustee's Inventory (Stark Loc. Form 36.4)
  - **Due three months from date of appointment**
- Annual Accounting (Stark Loc. Form 36.5)
  - **Due annually starting one year from date of appointment**
  - The Trustee may choose to use the Court's free accounting software: Societal
- Application to Expend Funds (Stark Loc. Form 36.6)
  - The Trustee is required to seek prior Court approval of all expenditures

The Court will not remind the Trustee of their periodic filing requirements. Failure to timely file required forms may result in a hearing being set or lead to the removal of the Trustee. All forms are available at www.starkcountyohio.gov/probate/forms.

Societal



Guardianship Accounting Monitoring Software for Stark County Probate Court

Today	***With Societal***
Is it hard to find the time to submit your accountings on time?	*On-time accountings via scheduled reminders and e-Filing*
*Do you spend **hours manually** inputting in transactions?*	*Import transactions directly from your bank*
Wonder what questions the court might have about your filing?	*Automatic flagging for required info*

Societal's online software offers a step-by-step process to input the information for your annual guardianship of the estate filings and allows you to e-file directly with the Stark County Probate Court. The court can review your filing and request additional information directly via the web browser-based program.

Sign up and use our software here free of charge: stark.societalsystems.com

For more information, contact us at hello@societalsystems.com

PROBATE COURT OF STARK COUNTY, OHIO
CURT WERREN, JUDGE

IN THE MATTER OF _____, A MINOR

CASE NO. _____

APPLICATION TO CREATE MINOR TRUST

Applicant has received funds for the benefit of the above-named minor as a result of a/an ☐ inheritance, ☐ personal injury, ☐ other: _____.

Applicant states that it would be in the best interest of the minor to create a trust for the minor pursuant to R.C. 2111.182, and prays for an order of the Court authorizing the creation of a trust and approval of the trust form. A copy of the proposed trust, signed by the proposed trustee and the minor's parents, is attached.

_____	_____
Counsel for Applicant Signature	Applicant Signature
_____	_____
Typed or Printed Name	Typed or Printed Name
_____	_____
Street Address	Street Address
_____	_____
City, State, Zip Code	City, State. Zip Code
_____	_____
Telephone Number	Telephone Number
_____	_____
Email Address	Email Address

Registration Number: _____

PROBATE COURT OF STARK COUNTY, OHIO
CURT WERREN, JUDGE

IN THE MATTER OF _____, A MINOR

CASE NO. _____

ENTRY CREATING MINOR TRUST

This cause came on to be heard upon an application to create a trust for the above-referenced minor.

The Court finds that Applicant has received funds for the benefit of the above-named minor, and it would be in the best interest of the minor that the Court create a trust pursuant to R.C. 2111.182.

It is ORDERED that a trust be created for the benefit of the minor and the trust is hereby approved as to form.

_____

Judge Curt Werren

PROBATE COURT OF STARK COUNTY, OHIO
CURT WERREN, JUDGE

IN RE: THE TRUST OF: _____, A MINOR

CASE NO. _____

APPLICATION FOR APPOINTMENT OF TRUSTEE

Now comes _____, an individual/qualified corporate fiduciary, and makes application to be appointed Trustee of the trust created by the Stark County Probate Court pursuant to R.C. 2111.182 and specifically for the benefit of the above-referenced minor.

☐ Applicant offers the attached bond in the amount of $_____.
☐ Applicant asks the Court to dispense with bond.

_____	_____
Counsel for Applicant Signature	Applicant Signature
_____	_____
Typed or Printed Name	Typed or Printed Name
_____	_____
Street Address	Street Address
_____	_____
City, State, Zip Code	City, State. Zip Code
_____	_____
Telephone Number	Telephone Number
_____	_____
Email Address	Email Address

Registration Number: _____

PROBATE COURT OF STARK COUNTY, OHIO
CURT WERREN, JUDGE

IN RE: THE TRUST OF: _____, A MINOR

CASE NO. _____

ENTRY APPOINTING TRUSTEE; LETTERS OF AUTHORITY

This cause came on to be heard upon an application to appoint a Trustee of the trust created for the benefit of the above-referenced minor.

The Court finds that the appointment of a Trustee is necessary, finds that Applicant is suitable to serve as Trustee and has accepted the duties of Trustee, and grants the application for appointment of Trustee as set forth in the application.

Therefore, _____ is appointed Trustee of the trust created for the benefit of the above-named Minor pursuant to R.C. 2111.182 with the powers and duties imposed by law, duties imposed by the terms of the trust, and such additional duties as may be required by the Court.

☐ Bond is dispensed with by law or by the instrument creating said trust.

☐ Applicant has executed and filed a suitable bond, which is approved by the Court.

This entry of appointment shall constitute the Trustee's Letters of Authority.

_____
Judge Curt Werren

CERTIFICATE OF APPOINTMENT AND INCUMBENCY

The above document is a true copy of the original kept by me as custodian of the records of this Court. It constitutes the Appointment and Letters of Authority of the named trustee, who is qualified and acting in such capacity.

Judge Curt Werren

By : _____
Deputy Clerk

_____
Date

PROBATE COURT OF STARK COUNTY, OHIO
CURT WERREN, JUDGE

IN RE: THE TRUST OF: _____

CASE NO. _____

TRUSTEE'S ACCEPTANCE

I, the undersigned, accept the duties which are required by law, and such additional duties as are ordered by the Court having jurisdiction of the Trust. As Trustee of this estate I will:

1) Make and file an inventory of the assets of the Trust within three months after appointment, or such time as extended by the Court;
2) Deposit funds that come into my hands in a lawful depository located within this state;
3) Keep and invest Trust funds in a lawful manner;
4) Timely pay bond premium, if any;
5) Make and file an annual accounting beginning one year from the date of my appointment, and as otherwise ordered by the Court;
6) Timely file all tax documents as required by law;
7) File a final account within thirty (30) days after the termination of the Trusteeship; and
8) Obey all orders of the Court.

I also acknowledge that I am subject to removal as Trustee if I fail to perform my fiduciary duties.

I also acknowledge that I am subject to possible civil and criminal penalties for improper conversion of the property, which I hold as fiduciary.

_____
Applicant Signature

_____
Typed or Printed Name

IN RE: TRUST OF: _____

RELEASE FOR CRIMINAL BACKGROUND CHECK

I understand that, as a result of making an application to serve as Trustee within the Stark County Probate Court, I am hereby authorizing the Probate Court, its agents and authorized employees, to make any and all examinations of my criminal record, and I hereby release any police or law enforcement agency, and all individuals connected herewith, from all liability in providing such information.

_____ _____

Date Name of Proposed Trustee

_____

Signature of Proposed Trustee

_____

Proposed Trustee's Full Social Security Number

PROBATE COURT OF STARK COUNTY, OHIO
CURT WERREN, JUDGE

IN RE THE TRUST OF:_____

☐ MINOR TRUST ☐ SPECIAL NEEDS TRUST ☐ OTHER

CASE NO. _____

TRUSTEE'S INVENTORY

of the real and personal estate of the trust with its value and the value of the yearly rent of the real estate.

	Value
	$

CASE NO. _____

RECAPITULATION

Total value of Personal Estate ..... $ _____

Total value of Real Estate ..... $ _____

Yearly rent of Real Estate ..... $ _____

TOTAL ..... $ _____

_____
Trustee

_____
Typed or Printed Name

_____
Address of Trustee

_____

PROBATE COURT OF STARK COUNTY, OHIO
CURT WERREN, JUDGE

IN RE THE TRUST OF: _____

☐ MINOR TRUST ☐ SPECIAL NEEDS TRUST ☐ OTHER

CASE NO. _____

TRUSTEE'S ACCOUNT

[R.C. 2109.30]

Not to be used with testamentary trusts

_____ Account

From _____ To _____

_____

_____

_____ (Balance from previous account) Voucher No. $ $

Year

CASE NO. _____

RECAPITULATION

Total Receipts ..... $ _____

Total Disbursements ..... $ _____

Balance remaining ..... $ _____

ITEMIZED STATEMENT OF ALL FUNDS, ASSETS AND INVESTMENTS

Item

_____

$

_____
Trustee

_____
Typed or Printed Name

_____
Address of Trustee

_____

ENTRY SETTING HEARING

The Court sets _____ at _____ o'clock ____.m. as the date and time for hearing the above account.

_____
Date

_____
Judge Curt Werren

PROBATE COURT OF STARK COUNTY, OHIO
CURT WERREN, JUDGE

IN RE THE TRUST OF: _____

☐ MINOR TRUST ☐ TESTEMENTARY TRUST ☐ SPECIAL NEEDS TRUST ☐ OTHER

CASE NO. _____

APPLICATION FOR AUTHORITY TO EXPEND FUNDS

Now comes the undersigned Trustee of the above-referenced Trust and makes application for authority to expend funds for the best interest of the beneficiary(ies) as follows:
[State amount requested, nature of expenditure, and the frequency and duration of authority requested. Attach additional explanation, documentation, or estimates as needed.]

_____
Trustee

ORDER AUTHORIZING EXPENDITURE OF FUNDS

This _____ day of _____, _____ , this cause came on to be heard upon the application of the Trustee in the above-referenced Trust and the evidence, and the Court being fully advised in the premises, hereby authorizes the Trustee to expend funds as set forth in the Application.

_____
Judge Curt Werren/Magistrate

PROBATE COURT OF STARK COUNTY, OHIO

CURT WERREN, JUDGE

IN THE MATTER OF _____

CASE NO. _____

THE _____ TRUST

[*Ohio Revised Code* § 2111.182]

Pursuant to the provisions of R.C. Chapter 2111 and the inherent power of the court, Judge Curt Werren (the "Probate Judge") of the Probate Division of the Stark County Court of Common Pleas (the "Court") hereby **ORDERS** this Trust for the sole benefit of the minor named _____ (the "Beneficiary"), whose date of birth is _____.

_____, is appointed as Trustee of this Trust. Trustee has been approved by a parent or guardian of the Beneficiary unless such appointment was otherwise ordered by the Court

The purpose of this Trust is to manage and administer the Trust assets for the exclusive benefit of the Beneficiary and to distribute the remaining Trust assets to the Beneficiary upon attaining the age of 25 years. This Trust is designed to serve as a supplement to or a substitute for a guardianship of the Beneficiary's estate, which would otherwise terminate by law when the Beneficiary attains the age of 18 years. The intent of this Trust is to hold the Trust assets for a longer period so the Beneficiary can gain more financial maturity before having unrestricted access to the Trust assets.

The Trustee shall hold and administer the assets of this Trust in accordance with the following terms and provisions.

ARTICLE ONE

1.1. The Trust shall be administered until the earlier of the Beneficiary attaining twenty-five years of age or the Beneficiary's death.

1.2. Pursuant to an order of the Court, the Trustee is depositing into this Trust an amount received under R.C. 2111.182.

1.3. The Trustee may receive and transfer into this Trust only those assets the Court authorizes in advance. No person or entity may transfer or attempt to transfer any other assets from any source to this Trust without the Court's prior approval. This restriction on additions to the Trust does not apply to interest, dividends, or other forms of income, gain, or appreciation, that become part of this Trust as a result of investing the Trust assets.

1.4. Until the termination of the Trust pursuant to Article Three, the Trustee shall apply the net income and principal of the Trust as follows:

1.4.1. Subject to prior Court approval, the Trustee may distribute to or for the benefit of the Beneficiary as much of the net income and principal of the trust as the Trustee determines is advisable for the Beneficiary's health, education, maintenance, or support.

1.4.2. Trustee may also pay to the Beneficiary the net income or principal of the Trust pursuant to an order of the Court. The determination of the Probate Judge with respect to payments from the Beneficiary's Trust shall be conclusive and binding on all interested persons.

1.4.3. The Trustee is not permitted to pay or distribute any portion of the Trust assets or income to or for the benefit of the Beneficiary if that payment or distribution would discharge the legal obligation of support of the Beneficiary's parent or parents, unless the Court orders otherwise.

1.4.4. No portion of the principal or income of the trust assets may be assigned, anticipated, or alienated in any manner by any primary or contingent Beneficiary and will not be subject to attachment, bankruptcy proceedings, or any other legal process, or to the interference or control of creditors or others. Nothing in this Section restricts any exercise of a testamentary power of appointment granted in this trust.

1.4.5. The Trustee will at all times act in a manner that is in the best interest of the Beneficiary regarding every aspect of this Trust.

1.5. The Trustee shall not be liable to the Beneficiary or other interested parties for distributions made from Trust income or principal pursuant to an order of the Court.

1.6. The Trustee shall not be required to see the application of any funds paid or applied pursuant to an order of the Court, and the receipt of the payee shall be the full acquittance of the Trustee. The decision of the Probate Judge as to the method of payment shall be conclusive and binding on all interested parties.

1.7. When the Beneficiary reaches the age of 18 years, the Beneficiary will have a testamentary power of appointment to designate by written instrument one or more contingent beneficiaries to receive the final distributions of the entire remaining balance of trust assets, including all undistributed income, in the amounts or proportions the Beneficiary may designate. The Beneficiary will have the sole and exclusive right to exercise this testamentary power of appointment. If the Beneficiary exercises this right, the contingent Beneficiary designation will override the final distribution pattern stated in Section 3.2 of this trust. The trust will terminate upon the designated beneficiaries' receipt of the final distribution and the trustee's filing of a final account with the Court.

1.9. The Trustee must post a fiduciary bond with the Court in the manner and amount described in R.C. §2109.04. The Court may periodically increase or decrease the amount of the bond requirement as the value of the Trust assets changes.

ARTICLE TWO

2.1. Any interest in or right to receive payments under the Trust alleged to be payable to, pass to or be for the benefit of any persons other than the Beneficiary, including because of any alienation or attempted alienation by the Beneficiary, that interest or right shall cease, terminate, and be forfeit for the period during which it would have been alienated.

2.2. Notwithstanding any forfeiture of the Beneficiary, the Trustee may continue to pay to the Beneficiary or apply for their benefit such sums as approved pursuant to Article One of this

Trust Agreement. Any forfeitures remaining at the time the Trust terminates shall cease and terminate, and the Trust Estate, shall be distributed pursuant to the provisions of Article Three.

ARTICLE THREE

3.1. When the Beneficiary attains twenty-five years of age, the Trustee shall distribute the remaining accumulated income and principal in the Trust to the Beneficiary.

3.2. If the Beneficiary dies prior to attaining twenty-five years of age, then the Trustee shall distribute the remaining accumulated income and principal of the Trust to the Beneficiary's estate.

3.3. The Trust will terminate upon the Court's approval of the Trustee's final accounting.

3.4. If the Trustee determines at any time that it would be impractical to continue the administration of the Trust, the Trustee may seek approval of the Probate Judge to terminate the Trust and distribute its assets to or for the benefit of the Beneficiary in accordance with an order of the Court.

ARTICLE FOUR

4.1. The Trustee shall have such power, authority, and discretion as may be granted by law or order of the Court.

ARTICLE FIVE

5.1. The Trustee and any legal counsel providing services to the Trustee are entitled to compensation for their services at the times and in the amounts the Court may approve. Trustee and legal counsel compensation are subject to all requirements and discretion of the Court.

ARTICLE SIX

6.1. Any successor to the office of judge of the Court shall succeed to all of the power, authority, and discretion of the Probate Judge.

6.2. The Trustee serves at the will of the Probate Judge. The Probate Judge reserves the right to remove the Trustee at any time.

6.3. Any corporate successor to a duly appointed corporate Trustee shall become the successor Trustee upon written notice of its succession to the Court within thirty days.

6.4. Any Trustee may resign upon Court approval. Sixty days advance written notice of the request to resign required. If the Court grants a Trustee's resignation, the resignation shall be effective upon the appointment of a successor Trustee and the approval of a final account due within 30 days from the written notice of resignation.

6.5. Upon the resignation or removal of the Trustee, the Court may appoint a successor Trustee. Upon delivery to the successor Trustee of all assets in the Trustee's possession and approval by the Court of a final accounting of the Trustee's actions, the resigning or removed Trustee shall be completely discharged of all fiduciary liabilities. Upon acceptance, the successor Trustee shall be vested with all of the duties, power, authority, and discretion granted to the predecessor Trustee.

ARTICLE SEVEN

8.1. The Trustee shall file an inventory with the Court within three months after the effective date of this trust. The inventory must comply with the requirements of R.C. §2109.58.

8.2. The Trustee shall file accounts annually and in accordance with R.C. §2109.303 and the Local Rules of the Court. Unless directed otherwise, reports as set forth in R.C. 5808.13(C) shall not be required. The first accounting is due on or before the first anniversary of the effective date of the Trust. Subsequent accountings are due every year on or before the anniversary of the effective date of the Trust. The Trustee shall provide a copy of any accounting to the parents, guardians, or legal custodians of the minor Beneficiary, or directly to the Beneficiary after the Beneficiary reaches the age of 18 years.

ARTICLE EIGHT

9.1. The Trustee accepts this Trust and agrees to carry out all Trust provisions to be done and performed by the Trustee.

ARTICLE NINE

10.1. The Probate Judge reserves the right to amend or modify this Trust, in whole or in part, and to order partial or final distributions to or for the benefit of the Beneficiary.

10.2. The Court retains jurisdiction over this Trust throughout its entire term.

ARTICLE TEN

11.1. This Trust shall be deemed to be an Ohio Trust and shall be governed and interpreted in all respect by the laws of the State of Ohio.

_____
JUDGE CURT WERREN

Accepted by the Trustee:

The Trustee certifies that he or she has read this Trust, understands it, and agrees to abide by all of the Trust's terms and conditions.

_____
Signature

_____
Printed Name

Approved by:

_____
Signature

_____
Printed Name

☐ Parent or ☐ Guardian of Minor

_____
Signature

_____
Printed Name

☐ Parent or ☐ Guardian of Minor