

**IN THE COURT OF COMMON PLEAS
PROBATE DIVISION
PIKE COUNTY, OHIO**

NOTICE

TO: All guardians of the estate

As a guardian, you must make all decisions based upon the best interests of the minor or incompetent.

It is my responsibility as judge to make sure that all expenditures have been made properly and in cases of a guardianship of an incompetent or minor, that all expenditures were made with *prior* permission of the Court.

There are a couple of very specific rules that you must comply with:

1. The inventory must be filed within 90 days of the appointment;
2. In all guardianships of the estate, you **must** make a prior application for authority to expend.
3. When you receive authority to expend funds for a specific purpose, that does not give you the permission to write yourself a check and then pay for these services. The check should be written directly to the company. In other words, if braces are required, the checks must be made payable to the orthodontist. If a car is purchased, the check must be made payable to the car dealer or other individual.
4. The court can give authority to make monthly expenditures for the needs of an incompetent. However, in the case of a minor, the parents have a legal duty to support their children so that the guardian may not use the child's funds for ordinary support matters. Again, the application to expend funds must be filed in advance.
5. There may be an occasional instance where cash is necessary to purchase goods or services. You must therefore, in advance of your application for authority to expend, specifically indicate that you want the check made payable to "cash" or any other person. If cash is paid, at the subsequent accounting you must provide a receipt.

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6. Accounts are generally required every two (2) years. If an account is not filed within two (2) years, several things happen:

- (a). The court will not permit you to expend any more funds on behalf of the child or incompetent;
- (b). The court will cite you into court to determine why you have not filed an account and if there is no proper reason, the court will remove you as guardian.

7. Finally, you must be aware that there are certain penalties that can happen to you if you use the child's or incompetent's assets that are not in compliance with these rules:

- (a). You may be prosecuted criminally;
- (b). You may be found in contempt

These penalties include fines, jail, and prison sentences

8. Keep in mind that once you have received assets on behalf of a child or incompetent, you are under a legal responsibility to hold those assets for the benefit of the minor or incompetent. You cannot withdraw without permission from the court and you cannot simply come to court later on and say you spent the money for the incompetent or the child and that you have nothing to show in terms of checks, receipts, etc.
9. If you plan on simply leaving the money in a bank until the child turns 18, there is a procedure to deposit the money in the bank and it is frozen until the child turns 18 or upon court order. Please advise your attorney in this situation and he/she can do the additional paperwork.

The purpose of this notice is to let all guardians know in advance that when they sign the oath of guardian and fiduciary's acceptance, they are doing more than just signing a piece of paper. They are putting themselves under legal obligation to perform services under court control.

Please exercise these duties in a responsible matter.

PAUL PRICE
Probate Judge