

Checklist **Special Needs Trust**

Fees:

Court Costs: \$153.00

Requirements

The Applicant is seeking to establish a Special Needs Trust for a Beneficiary who resides in Greene County, Ohio. Most often, a Special Needs Trust is established as a result of settlement involving a minor or a ward under guardianship with special needs.

**Note: All paperwork must be typed. We will not accept handwritten documents.
All filings must be single-sided. We will not accept double-sided originals.
Please do not staple original paperwork. We cannot accept filings with staples.**

Initial filing

- Self-Representation Acknowledgment (GC Form 75.1) *If applicable*
 - o This form **must** be filed if applicant is not represented by an attorney.
 - Application for Appointment of Trustee (GC Form 105.1-A)
 - o Motion for Authority to Establish Special Needs Trust
 - o *Proposed* Special Needs Trust Declaration must be attached
 - o *Proposed* Entry Establishing Special Needs Trust
- (Note: There are no prescribed forms for these documents. They must be drafted by Applicant's attorney)
- Contact Information Form – Trust Actions (GC Form 105.1-B)
 - Fiduciary's Acceptance – Trustee (GC Form 105.1-C)
 - Judgment Entry Appointing Trustee (GC Form 105.1-D)
 - Letters of Authority of Trustee (GC Form 105.1-E)
 - Trustee's Bond (GC Form 105.1-F)

OR

- Application to Dispense with Trustee's Bond (GC Form 75.2-E)
- Entry Regarding Trustee's Bond (GC Form 75.2-F)

(See Local Rule 75.2 on bond requirements)

Later Filings

- Trustee's Inventory (GC Form 105.1-G)
 - o Due 3 months following the date of Appointment of Trustee
- Trustee's Account (GC Form 105.1-H)
 - o Due 1 year following Appointment of Trustee, and then every other year thereafter.
 - o See Greene County Local Rule 77 for citations and sanctions of late filings
- Application for Authority to Expend Funds (GC Form 105.1-J)

Note: Not all trusts require Probate Court approval or oversight. It is highly recommended that anyone considering creating a trust, currently administering a trust, or that has questions regarding trusts consult with an attorney who has expertise in that area of law. Probate Court Clerks are not attorneys and cannot give you legal advice or answer legal questions.