

## **Special Needs Trust**

### **Requirements**

The Applicant is seeking to establish a Special Needs Trust for a Beneficiary who resides in Portage 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**

- ☐ Application for Appointment of Trustee
  - Motion for Authority to Establish Special Needs Trust
  - *Proposed* Special Needs Trust Declaration must be attached
  - *Proposed* Entry Establishing Special Needs Trust

(Note: There are no prescribed forms for these documents. They must be drafted by Applicant's attorney)

- ☐ Fiduciary's Acceptance – Trustee
- ☐ Judgment Entry Appointing Trustee
- ☐ Letters of Authority of Trustee
- ☐ Trustee's Bond (See Local Rule 75.2 on bond requirements)

### **Later Filings**

- ☐ Trustee's Inventory - Due 3 months following the date of Appointment of Trustee
- ☐ Trustee's Account
  - Due 1 year following Appointment of Trustee, and then every other year thereafter.
  - See Portage County Local Rule 77 for citations and sanctions of late filings
- ☐ Application for Authority to Expend Funds

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.