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Withdrawing Funds from a Blocked Account

A blocked account is a bank or other account created by court order, requiring a court order to deposit or withdraw funds. Blocked accounts are frequently created to protect judgments awarded to minors, or to protect the money of adults who cannot manage their own finances and have therefore had conservators appointed to manage their assets ("conserved adults"). A court must approve and order any withdrawal of funds from a blocked account.

Templates and Forms

- Petition for Withdrawal of Funds from Blocked Account (MC-357) (https://courts.ca.gov/documents/mc357.pdf)
- Order for Withdrawal of Funds from Blocked Account (MC-358) (https://courts.ca.gov/documents/mc358.pdf)
- Additional Page (MC-020) (https://courts.ca.gov/documents/mc020.pdf)
- Attachment to Judicial Council Form (MC-025) (https://courts.ca.gov/documents/mc025.pdf)

The most common reason to petition a court to withdraw funds from a blocked account is to access a blocked account because the account was created for a minor who has subsequently turned 18. Occasionally, a court also grants permission to the parent, guardian, or custodian of a minor or conserved adult with a blocked account if the parent, guardian, or custodian can demonstrate that the withdrawal of funds is both necessary for and in the best interests of the minor or conserved adult.

Step-by-Step Instructions

1. Gather Required Information

You will need several pieces of information:

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- The name and case number of the case that created the blocked account, as well as the county in which the case was filed;
- Information about the blocked account, including:
 - The name and title in which the account is held
 - The name of the bank or other institution holding the account
 - o The name and address of the bank branch holding the account
 - The account number
 - The current balance of the account;
- If there have been previous orders allowing funds to be withdrawn, you will want to know when the previous order(s) was made, and what was ordered;
- If you are asking to withdraw the funds for any reason other than because you were a minor who has subsequently turned 18 and are now entitled to the funds, you must explain why release of the funds is both necessary for and in the best interests of the minor or conserved adult.

2. Complete the Necessary Forms

Instructions for completing the necessary forms are included at the end of this packet. You will need at least two forms to request a withdrawal from a blocked account:

- Petition for Withdrawal of Funds from Blocked Account (MC-357)
- Order for Withdrawal of Funds from Blocked Account (MC-358)

These two forms are generally sufficient if the account was created for a minor who is now 18 years old. In other situations, you will need to provide the court with substantial evidence about the necessity of the withdrawal, and how the best interests of the child or conserved adult will be served by the withdrawal. This explanation will likely be very lengthy, and will not fit in the small space on this form. You may attach additional page(s) to your petition, using either:

- Additional Page (MC-020)
- Attachment to Judicial Council Form (MC-025)

3. Copying and Assembling the Court Papers

Make three copies each of the Petition with attachments and the Order.

Staple each **copy** of the *Petition for Withdrawal of Funds from Blocked Account* (MC-357), including attachments. Leave the original Petition and Order unstapled so they can be scanned by the court.

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4. File Your Documents

In Sacramento County, Petitions for the Withdrawal of Funds from Blocked Accounts are filed in and processed by the Probate Department, located on the second floor of the William R. Ridgeway Family Relations Courthouse at 3341 Power Inn Road, Room 214, Sacramento, CA 95826.

Be sure to file your documents with the Probate Clerk on the second floor of the Courthouse, as the Family Law Clerks on the first floor may not recognize your form.

As of the date of this Guide there is a \$60 filing fee, unless your fees were waived. Current fees are available on the Sacramento County Superior Court' (http://www.saccourt.ca.gov/fees/docs/fee-schedule.pdf) s website.

You may file a fee waiver request with the court if your income is below certain amounts or if you receive certain government benefits. For more information, see <u>our Step-by-Step guide on Fee Waivers</u> (https://www.saclaw.org/resource_library/fee-waiver/).

5. Attend the Hearing

The Court will schedule a court date for your hearing when you file your papers. At that hearing, the Court will either grant or deny your request to withdraw funds, or may issue other orders, depending on the exact circumstances of your case. If you are filing in a county other than Sacramento, please be sure to check with your particular court and its local rules to see if there are any additional procedural steps that should be completed prior to your hearing.

For Help

SH@LL (Self-Help at the Law Library) (https://saclaw.org/services/civil-self-help/) (formerly Civil Self Help Center) 609 9th Street, Sacramento CA 95814 (916) 476-2731 (Appointment Request Line)

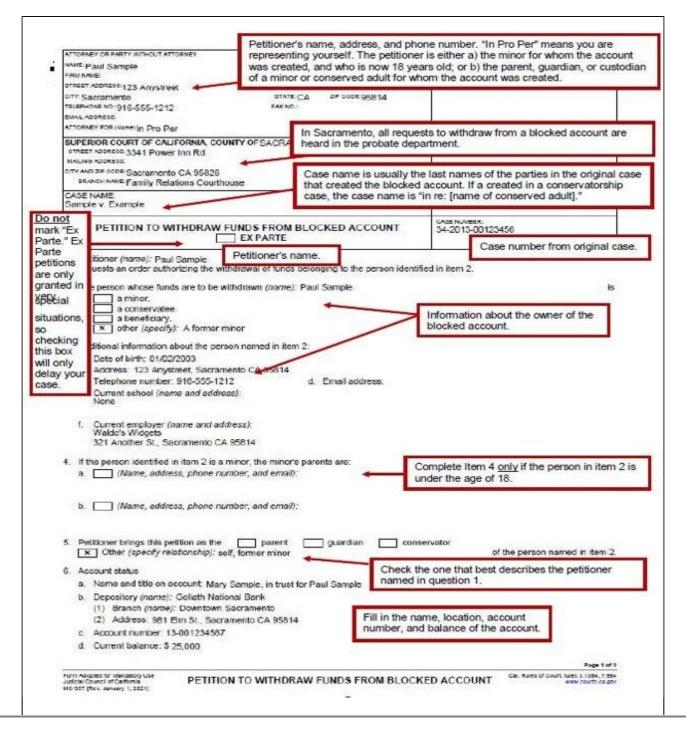
Services Provided: SH@LL provides general information and basic assistance to self-represented litigants on a variety of civil legal issues, including name changes. All assistance is provided by telephone. Visit "What we can help with (https://saclaw.org/services/civil-self-help/#canhelp)" for a list of qualifying cases.

Eligibility: Must be a Sacramento County resident or have a <u>qualifying case (https://saclaw.org/services/civil-self-help/#who)</u> in the Sacramento County Superior Court.



Samples

Petition to Withdraw Funds from Blocked Account



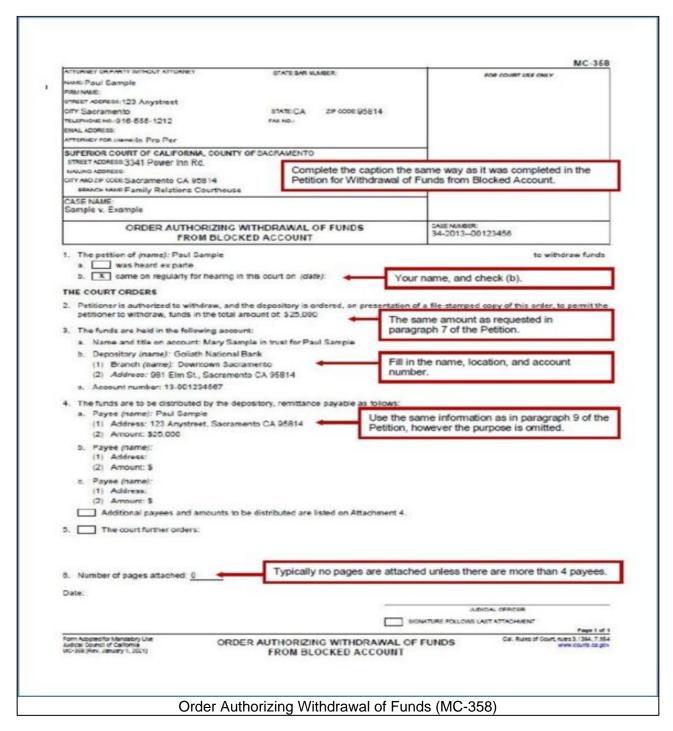
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Petition to Withdraw Funds (MC-357) (page 1)

CASE NAME			- 1	MC-357
Sample v. Ex	ample		1	34-2013-00123456
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(2)	As follows:		here. Check the box and attach additional pages	
(a)	Amount 5			chment 6 if needed to describe two or
(b)	Date:		more withdra	awais.
(c)	Purpose of withdrawal:	_		
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	inor has reached 15 years of age.	and this is a final discributio	9.	
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Order to Withdraw Funds from Blocked Account



Date Created

03/30/2023