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# WITHDRAWING FUNDS FROM A BLOCKED ACCOUNT Get a Court Order to Withdraw Money from a Blocked Account

This Guide includes instructions and sample forms. The Guide and related forms may be downloaded from: <a href="https://www.saclaw.org/blocked-acct">www.saclaw.org/blocked-acct</a>.

### BACKGROUND

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. The most common reason to petition a court to withdraw funds from a blocked account is 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

# **Step 1: Gather Required Information**

In order to complete the forms necessary to request the withdrawal of funds from a blocked account, you will need several pieces of information:

- 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:
  - o The name and title in which the account is held
  - o The name of the bank or other institution holding the account
  - 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- If there have been previous orders allowing funds to be withdrawn, you will want to know when the previous order(s) was made, and what was ordered;

Disclaimer: This Guide is intended as general information only. Your case may have factors requiring different procedures or forms. The information and instructions are provided for use in the Sacramento County Superior Court. Please keep in mind that each court may have different requirements. If you need further assistance consult a lawyer.

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If you are asking to withdraw the funds other than because you were a minor who has subsequently turned 18 and are now entitled to the funds, you must be able to explain, in clear, simple writing the reason why release of the funds is both necessary for and in the best interests of the minor or conserved adult.

# **Step 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) OR
- Attachment to Judicial Council Form (MC-025)

# **Step 3: Copying and Assembling the Court Papers**

Make three copies each of:

- Petition for Withdrawal of Funds from Blocked Account (MC-357), including any attached pages
- Order for Withdrawal of Funds from Blocked Account (MC-358)

Staple each **copy** of the *Petition for Withdrawal of Funds from Blocked Account* (MC-357), including attachments, to a **copy** of the *Order for Withdrawal of Funds from Blocked Account* (MC-358). Leave the original documents unstapled. Sacramento County Superior Court uses an electronic filing system in which documents are scanned in electronically. Stapled originals are not accepted because the staple will jam in the scanner, damaging both the document and the scanner.

# **Step 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's website (<a href="www.saccourt.ca.gov/fees/docs/fee-schedule.pdf">www.saccourt.ca.gov/fees/docs/fee-schedule.pdf</a>). If you qualify for a fee waiver, you may file a request with the court. For more

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information, see the Step-by-Step guide on Fee Waivers on our website at <a href="https://www.saclaw.org/fee-waiver-guide">www.saclaw.org/fee-waiver-guide</a>.

# **Step 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 not filing in the Sacramento County Superior Court, 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**

# Sacramento County Public Law Library Civil Self Help Center

609 9th Street, Sacramento 95814

www.saclaw.org/self-help/civil-self-help-center/

Services Provided: The Sacramento County Public Law Library Civil Self Help Center provides general information and basic assistance to self-represented litigants on a variety of civil legal issues. Appointments will be made beginning at 8:30 a.m. Patrons who are present at 8:30 a.m. will be entered into a random drawing to determine the order their case will be evaluated. If an appointment is appropriate, it will be made for later in the day. You are encouraged to arrive by 8:25 a.m. to participate in the appointment setting drawing.

*Eligibility:* Must be a Sacramento County resident or have a <u>qualifying case</u> in the Sacramento County Superior Court.

IF YOU HAVE QUESTIONS ABOUT THIS GUIDE, OR IF YOU NEED HELP FINDING OR USING THE MATERIALS LISTED, DON'T HESITATE TO ASK A REFERENCE LIBRARIAN.

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# ATTACHMENTS: FORMS AND INSTRUCTIONS

The Judicial Council forms commonly used in this procedure are:

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

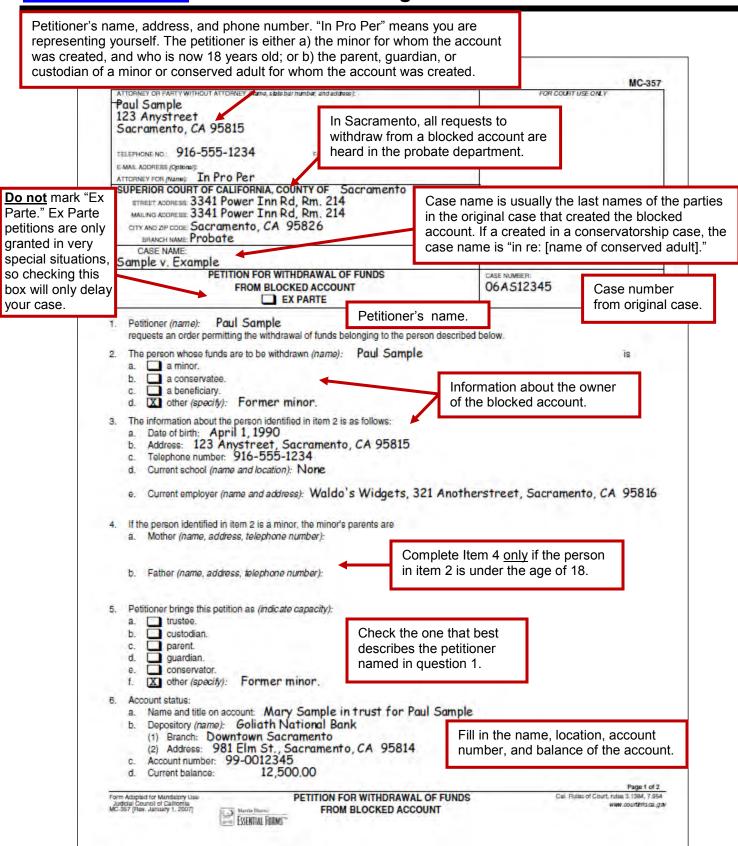
### You may also need either:

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

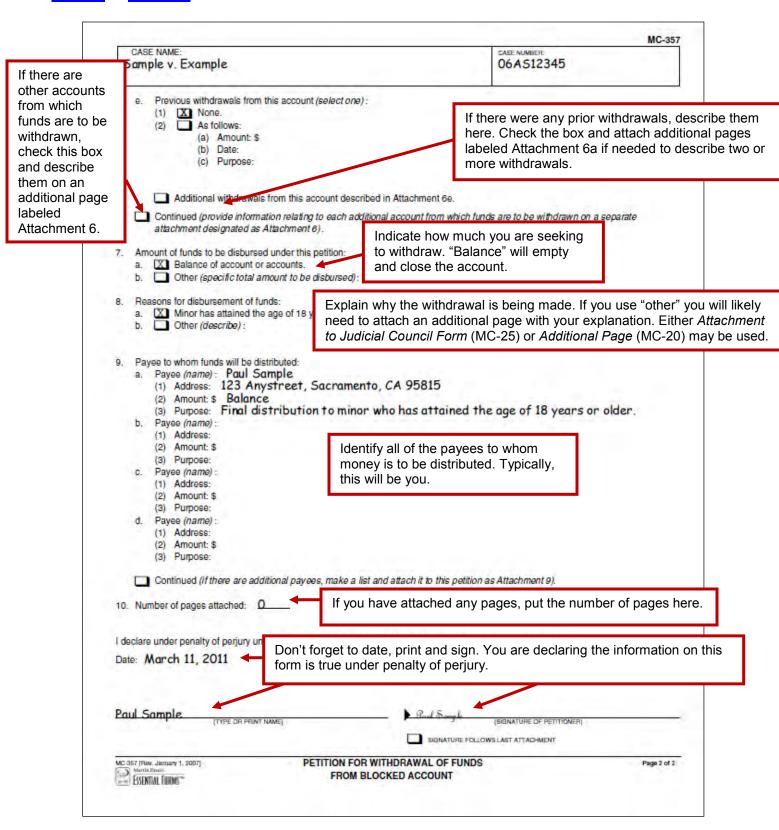
Sample filled-in forms with instructions are available at the end of this Guide.

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