

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: www.saclaw.org/blocked-acct.

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- If there have been previous orders allowing funds to be withdrawn, you will want to know when the previous order(s) was made, and what was ordered;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

>>[Home](#) >>[Law 101](#)

- 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 (www.saccourt.ca.gov/fees/docs/fee-schedule.pdf). If you qualify for a fee waiver, you may file a request with the court. For more

>>[Home](#) >>[Law 101](#)

information, see the Step-by-Step guide on Fee Waivers on our website at www.saclaw.org/fee-waiver-guide.

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 [qualifying case](#) 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.

>>[Home](#) >>[Law 101](#)

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.

Petitioner's name, address, and phone number. "In Pro Per" means you are representing yourself. The petitioner is either a) the minor for whom the account was created, and who is now 18 years old; or b) the parent, guardian, or custodian of a minor or conserved adult for whom the account was created.

MC-357

FOR COURT USE ONLY

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address):
Paul Sample
123 Anystreet
Sacramento, CA 95815

TELEPHONE NO.: **916-555-1234**

E-MAIL ADDRESS (Optional):

ATTORNEY FOR (Name): **In Pro Per**

In Sacramento, all requests to withdraw from a blocked account are heard in the probate department.

Do not mark "Ex Parte." Ex Parte petitions are only granted in very special situations, so checking this box will only delay your case.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF **Sacramento**

STREET ADDRESS: **3341 Power Inn Rd, Rm. 214**

MAILING ADDRESS: **3341 Power Inn Rd, Rm. 214**

CITY AND ZIP CODE: **Sacramento, CA 95826**

BRANCH NAME: **Probate**

CASE NAME:
Sample v. Example

Case name is usually the last names of the parties in the original case that created the blocked account. If a created in a conservatorship case, the case name is "in re: [name of conserved adult]."

PETITION FOR WITHDRAWAL OF FUNDS FROM BLOCKED ACCOUNT

EX PARTE

CASE NUMBER: **06AS12345**

Case number from original case.

1. Petitioner (name): **Paul Sample** requests an order permitting the withdrawal of funds belonging to the person described below.

2. The person whose funds are to be withdrawn (name): **Paul Sample** is

a. a minor.

b. a conservatee.

c. a beneficiary.

d. other (specify): **Former minor.**

3. The information about the person identified in item 2 is as follows:

a. Date of birth: **April 1, 1990**

b. Address: **123 Anystreet, Sacramento, CA 95815**

c. Telephone number: **916-555-1234**

d. Current school (name and location): **None**

e. Current employer (name and address): **Waldo's Widgets, 321 Anotherstreet, Sacramento, CA 95816**

4. If the person identified in item 2 is a minor, the minor's parents are

a. Mother (name, address, telephone number):

b. Father (name, address, telephone number):

5. Petitioner brings this petition as (indicate capacity):

a. trustee.

b. custodian.

c. parent.

d. guardian.

e. conservator.

f. other (specify): **Former minor.**

6. Account status:

a. Name and title on account: **Mary Sample in trust for Paul Sample**

b. Depository (name): **Goliath National Bank**
 (1) Branch: **Downtown Sacramento**
 (2) Address: **981 Elm St., Sacramento, CA 95814**

c. Account number: **99-0012345**

d. Current balance: **12,500.00**

Petitioner's name.

Information about the owner of the blocked account.

Complete Item 4 only if the person in item 2 is under the age of 18.

Check the one that best describes the petitioner named in question 1.

Fill in the name, location, account number, and balance of the account.

MC-357

CASE NAME: Sample v. Example	CASE NUMBER: 06AS12345
----------------------------------------	----------------------------------

e. Previous withdrawals from this account (select one):

(1) None.

(2) As follows:

(a) Amount: \$

(b) Date:

(c) Purpose:

Additional withdrawals from this account described in Attachment 6e.

Continued (provide information relating to each additional account from which funds are to be withdrawn on a separate attachment designated as Attachment 6).

7. Amount of funds to be disbursed under this petition:

a. Balance of account or accounts.

b. Other (specific total amount to be disbursed):

8. Reasons for disbursement of funds:

a. Minor has attained the age of 18 years or older.

b. Other (describe):

9. Payee to whom funds will be distributed:

a. Payee (name): **Paul Sample**

(1) Address: **123 Anystreet, Sacramento, CA 95815**

(2) Amount: \$ **Balance**

(3) Purpose: **Final distribution to minor who has attained the age of 18 years or older.**

b. Payee (name):

(1) Address:

(2) Amount: \$

(3) Purpose:

c. Payee (name):

(1) Address:

(2) Amount: \$

(3) Purpose:

d. Payee (name):

(1) Address:

(2) Amount: \$

(3) Purpose:

Continued (if there are additional payees, make a list and attach it to this petition as Attachment 9).

10. Number of pages attached: 0

I declare under penalty of perjury under the laws of the State of California that the information on this form is true and correct.

Date: **March 11, 2011**

Paul Sample _____ (TYPE OR PRINT NAME)

Paul Sample _____ (SIGNATURE OF PETITIONER)

SIGNATURE FOLLOWS LAST ATTACHMENT

MC-357 (Rev. January 1, 2007) **PETITION FOR WITHDRAWAL OF FUNDS FROM BLOCKED ACCOUNT** Page 2 of 2

If there are other accounts from which funds are to be withdrawn, check this box and describe them on an additional page labeled Attachment 6.

If there were any prior withdrawals, describe them here. Check the box and attach additional pages labeled Attachment 6a if needed to describe two or more withdrawals.

Indicate how much you are seeking to withdraw. "Balance" will empty and close the account.

Explain why the withdrawal is being made. If you use "other" you will likely need to attach an additional page with your explanation. Either Attachment to Judicial Council Form (MC-25) or Additional Page (MC-20) may be used.

Identify all of the payees to whom money is to be distributed. Typically, this will be you.

If you have attached any pages, put the number of pages here.

Don't forget to date, print and sign. You are declaring the information on this form is true under penalty of perjury.

MC-358	
ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address): Paul Sample 123 Anystreet Sacramento, CA 95815	Complete the caption the same way as it was completed in the Petition for Withdrawal of Funds from Blocked Account.
TELEPHONE NO.: 916-555-1234	FAX NO. (Optional):
E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): In Pro Per	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF 3341 Power Inn Rd. STREET ADDRESS: 3341 Power Inn Rd., Rm. 214 MAILING ADDRESS: 3341 Power Inn Rd., Rm 214 CITY AND ZIP CODE: Sacramento, CA 95826 BRANCH NAME: Probate	
CASE NAME: Sample vs. Example	
ORDER FOR WITHDRAWAL OF FUNDS FROM BLOCKED ACCOUNT	
CASE NUMBER: 06AS12345	

1. The petition of (name): **Paul Sample** ← Your name, and check (b). withdrawal of funds

a. was heard ex parte.

b. came on regularly for hearing in this court on (date):

THE COURT ORDERS

2. Petitioner is authorized to withdraw funds and the depository is ordered to allow the petitioner to withdraw funds, upon presentation of a filed endorsed copy of this order, in the total amount of: \$ **Balance** ← The same amount as requested in paragraph 7 of the Petition.

3. The funds are located in the following account:

a. Name and title on the account: **Mary Sample in trust for Paul Sample** ← Fill in the name, location, and account number.

b. Depository (name): **Goliath National Bank**
 (1) Branch: **Downtown Sacramento**
 (2) Address: **981 Elm St.**
Sacramento, CA 95814

c. Account number: **99-0012345**

4. The funds are to be distributed by the depository, remittance payable as follows:

a. Payee (name): **Paul Sample**
 Amount: \$ **Balance**

b. Payee (name):
 Amount: \$

c. Payee (name):
 Amount: \$

d. Payee (name):
 Amount: \$

Additional payees and amounts to be distributed are listed on Attachment 4.

5. The court further orders:

6. Number of pages attached: 0 ← Typically no pages are attached unless there are more than 4 payees.

Date:

 JUDGE OF THE SUPERIOR COURT
 SIGNATURE FOLLOWS LAST ATTACHMENT

Page 1 of 1

Form Adopted for Mandatory Use
 Judicial Council of California
 MC-358 (Rev. January 1, 2007)

**ORDER FOR WITHDRAWAL OF FUNDS
 FROM BLOCKED ACCOUNT**

Cal. Rules of Court, rule 3.1384, 7.954
www.courtinfo.ca.gov