

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE  
PROBATE DEPARTMENT**

**INFORMATION SHEET FOR MINORS COMPROMISE AND FOR  
COMPROMISE FOR ADULT INCOMPETENTS**

All petitions should be filed in the Probate Clerk's office and will be heard in Dept. L73, at the Lamoreaux Justice Center, 341 The City Drive, Orange, California. You are directed to comply with the following procedures:

**FORMS** - Current forms are to be used (available at [www.occourts.org](http://www.occourts.org)):

- Petition to Approve Compromise of Claim (MC-350)
- Order Approving Compromise of Claim (MC-351)
- Order to Deposit Money into Blocked Account (MC-355)
- Receipt and Acknowledgment of Order for the Deposit of Money into Blocked Account (MC-356)

All forms must be typed and must reflect the address of the court as:

**341 The City Drive, P. O. Box 14171, Orange, CA 92613-1571.**

At the time of filing, you are directed to submit the proposed Order for Compromise and Order to Deposit (when appropriate).

All matters will be set 4 weeks or more from the date of filing and set on Friday at 9:00 a.m. in Dept. L73.

**FILING UNDER Probate Code 3500 (No action pending)**

- Petitioner must be the parent, guardian or guardian ad litem.
- File only at the Probate Clerk's Office in Orange, 7th Floor.
- Filing Fee:  
<http://www.occourts.org/directory/probate/forms-fees-files-information.html>
- Siblings shall be permitted to file under the same case number, however, there shall be a separate petition and order for each minor

**FILING UNDER Code of Civil Procedure 372 (Action pending)**

- Petitioner must be the guardian ad litem.
- File at the Probate Clerk's Office in Orange, Ca. 7th Floor.
- A copy of the first page of the following must be attached to the petition: The Complaint, Amended Complaint(s), Cross Complaint(s) and any Dismissals (from the civil case).
- A copy of the entire document of the following must be attached to the petition: Order Appointing Guardian Ad Litem and any awards of arbitrator with no trial de novo having been requested (from the civil case).
- Upon filing the documents, you will be given a hearing date.

**REQUEST FOR ATTORNEY FEES**

Petition to approve a compromise will not be approved without an Attachment 14a to the petition. Attachment 14a to the petition must include a declaration from the attorney setting forth all the facts and circumstances in order to determine reasonable fees. It is not sufficient to state that the attorney has a retainer agreement with a contingency fee. (See California Rules of Court, 7.995.) Attorney fees are determined after deducting costs. (See local rule 368.) Costs must be itemized.

**MEDICAL REPORT** [California Rules of Court, 7.950(4)]

The Court will require the filing of a recent report by the examining or attending physician in lieu of an appearance by the physician. The medical report should be filed with the petition or at least 5 days before the hearing date.

## **NET PROCEEDS TO MINOR**

Absent sufficient declaration to the satisfaction of Court that deposit into blocked account is proper, the Court will require purchase of annuity where net sum distributable to minor exceeds \$25,000 and minor is under 15 years of age.

## **DEPOSIT OF FUNDS**

Request may be made to place the funds in a blocked savings account at a federally insured institution in California or in a blocked time certificate of deposit (CD) in a federally insured institution in California. Each blocked account should not exceed \$90,000.00.

## **STRUCTURED SETTLEMENT/ANNUITY**

The payout for the settlement should not commence prior to the minor's age of majority, unless a guardian of the Estate is appointed.

When stating the payout schedule, include the amount, year of payment and age of minor.

Example:	\$10,000.00	Jan. 1, 2001	Age 18
	\$12,000.00	Jan. 1, 2005	Age 22

If settling insurer is also offering the annuity, then comparable quotes from other annuity companies are required.

## **HEARING**

The Court may approve the petition as requested or make other orders as appropriate. Certain requests may be denied.

You may request the first continuance. For detailed information go to:  
<http://www.occourts.org/directory/probate/probate-notes.html>

## **ORDER**

When the matter is approved, the order will be signed by the Court and you will receive a conformed copy, if a copy is provided.

For blocked accounts, the original order for deposit will be signed and filed. The copies will be returned to counsel. The Receipt and Acknowledgment of Order ... (MC-356) is to be delivered to the banking institution to establish the blocked account and is to be completed by the institution and returned to the Probate Clerk's Office.

If your settlement included a structured settlement/annuity, Defendant must purchase the annuity. Counsel/party must then file a declaration under penalty of perjury stating they have reviewed the original annuity, attaching a copy of the annuity. Should the original be unavailable, the declaration should so state and the annuity company must then provide a declaration under penalty of perjury stating the copy is a true and correct copy of the original annuity.

## **ORDER TO SHOW CAUSE (OSC) RE COMPLIANCE**

When the petition is approved, the Court will set a hearing for an Order to Show Cause re Compliance. Counsel/parties are ordered to return on that date. The Receipt and Acknowledgment of Order ... (MC-356) and/or the declaration re annuity stated above are to be filed no later than four (4) court days prior to the OSC hearing date. If proper, the OSC will be ordered off calendar. If they are not filed or are insufficient, one continuance may be requested at the OSC hearing for good cause.

## **FUNDS PLACED IN BLOCKED ACCOUNTS**

The funds in the blocked accounts are the minor's funds and shall not be withdrawn without a court order. Should a need for funds arise, counsel/party must submit a Petition for Withdrawal of Funds from Blocked Account - (MC-357), Order for Withdrawal of Funds from Blocked Account - (MC 358), and appropriate documentation per Orange County Local Rule 613.05. The Court will consider the request for funds and may approve or deny the request, or set the matter for hearing.