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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 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 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

Step 1: Gather Required Information

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- If there have been previous orders allowing funds to be withdrawn, you will want to know when the previous order(s) was made, and what was ordered;
- 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

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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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 \(MC-357\)](http://courts.ca.gov/documents/mc357.pdf) (courts.ca.gov/documents/mc357.pdf)
- [Order for Withdrawal of Funds from Blocked Account \(MC-358\)](http://courts.ca.gov/documents/mc358.pdf) (courts.ca.gov/documents/mc358.pdf)

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 \(MC-020\)](http://courts.ca.gov/documents/mc020.pdf) (courts.ca.gov/documents/mc020.pdf) OR
- [Attachment to Judicial Council Form \(MC-025\)](http://courts.ca.gov/documents/mc025.pdf) (courts.ca.gov/documents/mc025.pdf)

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 so they can be scanned by the court.

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 information, see [our Step-by-Step guide on Fee Waivers](#) on our website at saclaw.org/fee-waiver-guide.

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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

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

(916) 476-2731 (Appointment Request Line)

Services Provided: The Civil Self Help Center provides general information and basic assistance to self-represented litigants on a variety of civil legal issues. All assistance is provided by telephone or Zoom videoconference. Visit "Issues We Can And Cannot Assist With" (saclaw.org/cshc-services) for a list of qualifying cases.

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.

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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 \(MC-357\)](http://courts.ca.gov/documents/mc357.pdf)
(courts.ca.gov/documents/mc357.pdf)
- [Order for Withdrawal of Funds from Blocked Account \(MC-358\)](http://courts.ca.gov/documents/mc358.pdf)
(courts.ca.gov/documents/mc358.pdf)

You may also need either:

- [Additional Page \(MC-020\)](http://courts.ca.gov/documents/mc020.pdf) (courts.ca.gov/documents/mc020.pdf) OR
[Attachment to Judicial Council Form \(MC-025\)](http://courts.ca.gov/documents/mc025.pdf) (courts.ca.gov/documents/mc025.pdf)

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

ATTORNEY OR PARTY WITHOUT ATTORNEY

NAME: Paul Sample

FIRM NAME:

STREET ADDRESS: 123 Anystreet

CITY: Sacramento

TELEPHONE NO.: 916-555-1212

EMAIL ADDRESS:

ATTORNEY FOR (Name): In Pro Per

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.

STATE: CA ZIP CODE: 95814

FAX NO.:

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

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SACRAMENTO

STREET ADDRESS: 3341 Power Inn Rd.

MAILING ADDRESS:

CITY AND ZIP CODE: Sacramento CA 95826

BRANCH NAME: Family Relations Courthouse

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]."

CASE NAME:

Sample v. Example

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

PETITION TO WITHDRAW FUNDS FROM BLOCKED ACCOUNT

CASE NUMBER:

34-2013-00123456

EX PARTE

Case number from original case.

Petitioner (name): Paul Sample

Petitioner's name.

Requests an order authorizing the withdrawal of funds belonging to the person identified in item 2.

The person whose funds are to be withdrawn (name): Paul Sample

is

a minor.

a conservatee.

a beneficiary.

other (specify): A former minor

Information about the owner of the blocked account.

Additional information about the person named in item 2:

Date of birth: 01/02/2003

Address: 123 Anystreet, Sacramento CA 95814

Telephone number: 916-555-1212

d. Email address:

Current school (name and address):

None

f. Current employer (name and address):

Waldo's Widgets

321 Another St., Sacramento CA 95814

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

a. (Name, address, phone number, and email):

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

b. (Name, address, phone number, and email):

5. Petitioner brings this petition as the parent guardian conservator

Other (specify relationship): self, former minor

of the person named in item 2.

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

6. Account status

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

b. Depository (name): Goliath National Bank

(1) Branch (name): Downtown Sacramento

(2) Address: 981 Elm St., Sacramento CA 95814

c. Account number: 13-001234567

d. Current balance: \$ 25,000

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

CASE NAME: Sample v. Example	CASE NUMBER: 34-2013-00123456
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6. e. Previous withdrawals from this account (select one):

- (1) None.
- (2) As follows:
 - (a) Amount: \$
 - (b) Date:
 - (c) Purpose of withdrawal:

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

Additional previous withdrawals from this account are detailed in Attachment 6. 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.

f. Additional accounts from which petitioner seeks to withdraw funds are described in Attachment 6. 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.

7. Amount to be disbursed under this petition:

- a. Balance of account or accounts described in item 6.
- b. Other (specify total amount to be disbursed): \$

Indicate how much you are seeking to withdraw. If you are asking for the entire amount of the account, just check "a."

8. Reasons for disbursement of funds:

- a. Minor has reached 18 years of age, and this is a final distribution.
- b. Other (describe):

Explain why the withdrawal is being made. If you use "other," you will likely need to attach an additional page labelled Attachment 8 with your explanation.

9. Person(s) to whom funds will be paid:

- a. Payee (name): Paul Sample
 - (1) Address: 123 Anystreet, Sacramento CA 95814
 - (2) Amount: \$25,000
 - (3) Purpose of payment: Minor has reached 18 years of age, and this is a final distribution
 - b. Payee (name):
 - (1) Address:
 - (2) Amount: \$
 - (3) Purpose of payment:
 - c. Payee (name):
 - (1) Address:
 - (2) Amount: \$
 - (3) Purpose of payment:
 - d. Payee (name):
 - (1) Address:
 - (2) Amount: \$
 - (3) Purpose of payment:
- Additional payees and amounts to be distributed are listed on Attachment 9.

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

10. Number of pages attached: 0


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

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: Jan. 5, 2021

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

Paul Sample
(TYPE OR PRINT NAME)


(SIGNATURE OF PETITIONER)
 SIGNATURE FOLLOWS LAST ATTACHMENT

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: Paul Sample FIRM NAME: STREET ADDRESS: 123 Anystreet CITY: Sacramento TELEPHONE NO.: 916-555-1212 EMAIL ADDRESS: ATTORNEY FOR (Name): In Pro Per		STATE BAR NUMBER: STATE: CA ZIP CODE: 95814 FAX NO.:	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SACRAMENTO STREET ADDRESS: 3341 Power Inn Rd. MAILING ADDRESS: CITY AND ZIP CODE: Sacramento CA 95814 BRANCH NAME: Family Relations Courthouse		Complete the caption the same way as it was completed in the Petition for Withdrawal of Funds from Blocked Account.	
CASE NAME: Sample v. Example			
ORDER AUTHORIZING WITHDRAWAL OF FUNDS FROM BLOCKED ACCOUNT		CASE NUMBER: 34-2013--00123456	

1. The petition of (name): Paul Sample to withdraw funds
a. was heard ex parte.
b. came on regularly for hearing in this court on (date):

Your name, and check (b).

THE COURT ORDERS

2. Petitioner is authorized to withdraw, and the depository is ordered, on presentation of a file-stamped copy of this order, to permit the petitioner to withdraw, funds in the total amount of: \$25,000

The same amount as requested in paragraph 7 of the Petition.

3. The funds are held in the following account:

- a. Name and title on account: Mary Sample in trust for Paul Sample
b. Depository (name): Goliath National Bank
(1) Branch (name): Downtown Sacramento
(2) Address: 981 Elm St., Sacramento CA 95814
c. Account number: 13-001234567

Fill in the name, location, and account number.

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

- a. Payee (name): Paul Sample
(1) Address: 123 Anystreet, Sacramento CA 95814
(2) Amount: \$25,000
b. Payee (name):
(1) Address:
(2) Amount: \$
c. Payee (name):
(1) Address:
(2) Amount: \$

Use the same information as in paragraph 9 of the Petition, however the purpose is omitted.

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:

JUDICIAL OFFICER

SIGNATURE FOLLOWS LAST ATTACHMENT

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