

JUDICIAL COUNCIL OF CALIFORNIA

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INVITATION TO COMMENT SPR20-25

Title	Action Requested
Rules and Forms: Compromise of Claim for Minor or Person With a Disability	Review and submit comments by June 9, 2020
Proposed Rules, Forms, Standards, or Statutes	Proposed Effective Date
Amend Cal. Rules of Court, rules 7.101, 7.950, 7.950.5, 7.951, 7.952, and 7.955; revise forms MC-350, MC-350(A-13b(5)), MC-350EX, MC-351, MC-355, MC-356, MC-357, and MC-358	January 1, 2021
	Contact
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Proposed by	
Probate and Mental Health Advisory Committee	
Hon. Jayne C. Lee, Chair	

Executive Summary and Origin

The Probate and Mental Health Advisory Committee recommends amending six rules of court and revising eight forms used in proceedings to approve the compromise of a claim or action or the disposition of proceeds of a judgment for a minor or person with a disability. The proposed amendments and revisions are needed (1) to clarify that the petitioner must completely disclose the effect of the compromise on the statutory and contractual lien rights of all parties, insurers, and medical service providers; (2) to clarify that a blocked account for the deposit of the proceeds of the compromise or judgment must be opened in the name of the petitioner in the petitioner's capacity as representative of the minor or person with a disability; (3) to clarify that an adult claimant who has the capacity to consent to orders approving a compromise or disposition and does not have a conservator of the estate must give express consent to those orders; and (4) to make technical and clarifying revisions to the forms' titles, language, and format. These revisions are needed to improve access to the courts, protect the interests of minors and persons with disabilities, and allow prompt and secure distribution of the proceeds of settlements and judgments in favor of minors and persons with disabilities.

This proposal has not been approved by the Judicial Council and is not intended to represent the views of the council, its Rules and Projects Committee, or its Policy Coordination and Liaison Committee. It is circulated for comment purposes only.

Background

Effective January 1, 2002, the Judicial Council adopted rules 7.950–7.954 of the California Rules of Court¹ and forms MC-350, MC-351, MC-355, MC-356, MC-357, and MC-358 for mandatory use in proceedings to approve requests to compromise claims of minors and persons with disabilities and order funds from the proceeds of the compromise or a judgment deposited in blocked accounts. The rules provide detailed guidance for persons seeking approval of so-called minors’ compromises and handling funds in blocked accounts. The forms implement a uniform, statewide process to petition for the settlement of claims of minors and persons with disabilities and for dealing with blocked accounts.²

Effective January 1, 2005, the Judicial Council revised forms MC-350 and MC-351 to reflect the amendment of sections 3600–3604 and 3610–3612 of the Probate Code³ and the addition of section 3613 to the code by Assembly Bill 1851 (Stats. 2004, ch. 67). The statutory amendments replaced the term “incompetent person” with “person with a disability,” defined that term to include persons with severe physical disabilities specified by federal law, and required that an adult claimant with a disability who nevertheless has capacity to consent to orders issued under sections 3600–3602, 3610, and 3611 and does not have a conservator of the estate give express consent to orders issued under those sections.⁴

The Judicial Council also adopted section 40 of the California Standards of Judicial Administration, effective January 1, 2005. Section 40 urged the superior courts, in civil matters requiring approval of trusts to receive the proceeds of settlements or judgments in favor of minors or persons with disabilities under Probate Code section 3600, to develop practices and procedures to provide for determination of the trust issues by the courts’ probate divisions. Section 40 was amended and renumbered as standard 7.10 effective January 1, 2007.

Effective January 1, 2010, the Judicial Council adopted rule 7.950.5 and form MC-350EX to provide an expedited process for judicial approval of uncontroversial, low-value compromises or settlements for minors or persons with disabilities.⁵ At the same time, the council completely revised form MC-350 and approved form MC-350(A-13b(5)) for optional use.

The Proposal

Since the last substantial revision of the forms addressed in this proposal, courts, judicial officers, attorneys, other stakeholders, and staff have identified three areas requiring substantive revision. In addition, committee members and staff have reviewed the forms and recommend

¹ All subsequent references to rules are to the California Rules of Court unless otherwise specified.

² Judicial Council of Cal., Advisory Com. Rep., *Minors’ Compromises and Blocked Accounts: New Rules and Mandatory Forms* (Oct. 10, 2001), p. 2.

³ All subsequent statutory references are to the Probate Code unless otherwise specified.

⁴ Judicial Council of Cal., Advisory Com. Rep., *Proposal to Revise Petition to Approve Compromise of Claim and Order Approving Compromise of Claim* (Aug. 9, 2004), pp. 1–2.

⁵ Judicial Council of Cal., Advisory Com. Rep., *Civil and Probate Practice and Procedure: Compromise of Minors’ Claims, Settlement of Actions Involving Minors and Persons With Disabilities, and Disposition of Judgments in Favor of Minors and Persons With Disabilities* (Aug. 31, 2009), p. 8.

multiple technical revisions, including renaming the forms, updating statutory references, replacing misleading terms and phrases with simpler language, and using terms consistently across the form set.

The Probate and Mental Health Advisory Committee proposes the following amendments to rules and revisions to Judicial Council forms, effective January 1, 2021:

1. Amend rules 7.101, 7.950, and 7.950.5 to reflect the revised titles of forms MC-350 and MC-350EX and make technical changes;
2. Amend rules 7.951 and 7.952 to make technical changes;
3. Amend the references to the State Bar Rules of Professional Conduct in the advisory committee comment to rule 7.955 to conform to the numbering scheme of the new rules;⁶
4. Revise form MC-350 to:
 - Rename the form *Petition for Approval of Compromise or Disposition of Judgment Proceeds for Minor or Person With a Disability*;
 - Clarify the instructions for use of the form and alert petitioners to the possibility of filing a petition for expedited approval on form MC-350EX;
 - Combine items 1 and 3 to clarify that the petitioner is acting in a representative capacity on behalf of the claimant;
 - Revise item 2 and add item 21 to clarify that an adult claimant with capacity and without a conservator must give express consent to the requested orders and provide an opportunity for such a claimant to give consent;
 - Add language to item 12 to emphasize that petitioners must give the courts complete information about outstanding expenses and liens;
 - Clarify that item 14 addresses both fees and expenses; and
 - Update statutory references, simplify language, and make technical corrections throughout;
5. Revise form MC-350(A-13b(5)) to:
 - Rename the form *Attachment to Petition for Approval of Compromise or Disposition of Judgment Proceeds—Additional Medical Service Providers*;
 - Renumber the form as MC-350(A-12b(5)) to reflect the renumbering of item 13 on form MC-350 as item 12;
 - Clarify the instructions for using the form; and
 - Update statutory references and make technical corrections;
6. Revise form MC-350EX to:
 - Rename the form *Petition for Expedited Approval of Compromise or Disposition of Judgment Proceeds for Minor or Person With a Disability*;
 - Combine items 1 and 4 to clarify that the petitioner is acting in a representative capacity on behalf of the claimant;

⁶ The new State Bar Rules of Professional Conduct were approved by the Supreme Court in *Order re Request for Approval of Proposed Amendments to the Rules of Professional Conduct of the State Bar of California* (admin. order 2018-05-09, issued May 10, 2018, S240991) and took effect November 1, 2018.

- Revise item 2 and add item 21 to clarify that an adult claimant with capacity and without a conservator must give express consent to the requested orders and provide an opportunity for such a claimant to give consent;
 - Revise item 3 to clarify the circumstances in which the form may and must be used;
 - Clarify that item 15 addresses both fees and expenses;
 - Update statutory references, simplify language, and make technical corrections throughout;
7. Revise form MC-351 to:
- Rename the form *Order Approving Compromise or Disposition of Judgment Proceeds for Minor or Person With a Disability*;
 - Revise items 6 and 7 to clarify the orders regarding deposit of funds in a blocked account; and
 - Update statutory references, simplify language, and make technical corrections throughout;
8. Revise form MC-355 to:
- Rename the form *Order to Deposit Funds Into Blocked Account*;
 - Specify in item 3 that the blocked account must be opened in the name of the petitioner as the specified representative of the minor or person with a disability; and
 - Update statutory references, simplify language, and make technical corrections throughout;
9. Revise form MC-356 to:
- Rename the form *Acknowledgment of Receipt of Funds and Order to Deposit Funds Into Blocked Account* to reflect the dual purpose of the acknowledgment of receipt; and
 - Update statutory references, simplify language, and make technical corrections throughout;
10. Revise form MC-357 to:
- Rename the form *Petition to Withdraw Funds From Blocked Account*;
 - Modify the references to parents in item 4 to recognize, in conformity with current law, that multiple parents may have the same gender; and
 - Update statutory references, simplify language, and make technical corrections throughout;
11. Revise form MC-358 to:
- Clarify the language in item 2 to make it consistent with the terms used across the form set; and
 - Update statutory references, simplify language, and make technical corrections throughout;

Three substantive revisions require further discussion. The first revision responds to requests from courts that have consistently received insufficient information regarding the claimant's medical expenses, especially outstanding expenses and liens against the proceeds of the settlement or judgment held by medical service providers or Medi-Cal. When presented with

these incomplete petitions, courts must continue hearings until the petitioner provides all of the required information.

The committee proposes adding language to renumbered item 12 (former item 13) to notify the petitioner more explicitly that the petitioner must completely disclose the effect of the compromise or settlement on the statutory and contractual lien rights of all parties, public and private insurers, and medical service providers. The revisions would also allow the court and the petitioner to ensure that the terms of the proposed compromise, settlement, or disposition of proceeds address all financial interests at stake, thereby reducing delays, and protecting claimants from unexpected demands by Medi-Cal or medical service providers.

Second, the committee also proposes revising renumbered items 6c(2)(a) and 7a on form MC-351 and item 3 on form MC-355 to address difficulties faced by petitioners and attorneys in many counties when they attempt to deposit funds in a representative capacity, as ordered, in a blocked account for a minor or person with a disability. Items 6c(2)(a) and 7a on form MC-351 order the blocked account opened in the name of the petitioner *as trustee* for the beneficiary. Courts and stakeholders advised the committee that this language is often interpreted narrowly to exclude petitioners acting in other authorized representative capacities, such as guardian of a minor's estate.

The committee therefore proposes replacing the term "as trustee" with the broader term "in the petitioner's representative capacity." In addition, the current language in item 3 of form MC-355 requires the account to be opened in the name of the claimant or beneficiary. Banks routinely decline to open these accounts in the name of the petitioner, as intended, because of this language. The petitioner or attorney must then seek a clarifying order from the court. This process reduces the balance of the settlement or judgment available to the claimant and delays the availability of that balance. The committee therefore proposes revising item 3 on form MC-355 to direct the account to be opened in the name of the petitioner and adding check boxes to identify the specific representative capacity in which the petitioner is acting.

The proposed revision to item 3 on form MC-355 revealed a third source of confusion on the petitions, forms MC-350 and MC-350EX. Item 3 on form MC-350 and item 4 on form MC-350EX identify the petitioner's legal relationship to the claimant. To emphasize the variety of representative relationships a petitioner might have with a claimant and promote consistency with the proposed specification of the appropriate relationship in item 3 on form MC-355, the committee chose to combine this item with the petitioner's name into item 1 on the petitions.

In the process of combining these items, the committee determined that the notice, stating that an adult claimant who had capacity to consent to the requested orders and did not have a conservator was required to consent, should be moved from the description of the petitioner to item 2 on each form, which describes the claimant. The committee also recommends adding item 21 to forms MC-350 and MC-350EX to provide an opportunity for a qualifying claimant to give express consent to the requested orders.

Finally, the committee recommends deleting from the petition forms the implicit invitation for the minor or person with a disability to file the petition. This item, 3e on form MC-350 and 4e on form MC-350EX, was added, effective January 1, 2005, as further response to the requirement in Probate Code section 3613 that a claimant with sufficient capacity must give express consent to the requested orders.⁷ The committee is not aware of circumstances in which a claimant would also be a petitioner in the proceedings covered by these forms. If those circumstances should nevertheless arise, the petitioner could indicate that by checking “Other” relationship and inserting “self” in the adjacent field.

Alternatives Considered

The committee considered not revising the forms in this proposal, but determined that the costs and delays caused by the current forms’ lack of clarity required the revisions to improve access to the courts, protect the interests of minors and persons with disabilities, and allow prompt and secure distribution of the proceeds of settlements and judgments in favor of minors and persons with disabilities. The committee also considered changing the category of these forms to reduce the number of forms in the “MC” (miscellaneous) category. The committee decided, however, that relettering these forms would potentially cause confusion because of the extensive use of the forms by self-represented litigants and the correspondence of the initials “MC” to the proceedings in which the forms are used, colloquially referred to as “minor’s compromises.” The committee has requested specific comment about renumbering the forms.

Fiscal and Operational Impacts

The proposal might require courts to input the new form titles into their case management systems. The revisions should not, however, require entry of any new data elements. The substantive revisions to form MC-350 are intended to help courts receive complete and accurate information in the original petition for approval, which will reduce continuances and protect the interests of the minor or person with a disability. The substantive revisions to forms MC-351 and MC-355 will reduce the need for court orders by clarifying to a financial institution that a parent or other person named on these orders may open a blocked account in their representative capacity and deposit funds for a minor or person with a disability without a further court order.

⁷ Judicial Council of Cal., Advisory Com. Rep., *supra* note 5, at p. 2. Although added to the petitions, it was, tellingly, not reflected in an addition to form MC-351, the order in response to the revised petitions.

Request for Specific Comments

In addition to comments on the proposal as a whole, the advisory committee is interested in comments on the following:

- Does the proposal appropriately address the stated purpose?
- Should the forms be renumbered to move them from the MC form set and place them in a separate form set by themselves or with other forms?
- Are further revisions needed to ensure compliance with the legal requirements for establishing, administering, and accessing special needs trusts on behalf of claimants with disabilities?

The advisory committee also seeks comments from *courts* on the following cost and implementation matters:

- Would the proposal provide cost savings? If so, please quantify.
- What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems?
- Would three months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?
- How well would this proposal work in courts of different sizes?

Attachments and Links

1. Cal. Rules of Court, rules 7.101, 7.950, 7.950.5, 7.951, 7.952, and 7.955, at pages 8–11
2. Forms MC-350, MC-350(A-12b(5)), MC-350EX, MC-351, MC-355, MC-356, MC-357, and MC-358, at pages 12–38

Rules 7.101, 7.950, 7.950.5, 7.951, 7.952, and 7.955 of the California Rules of Court would be amended, effective January 1, 2021, to read:

1 **Rule 7.101. Use of Judicial Council forms**

2
3 (a) * * *

4
5 (b) **Alternative mandatory forms**

6
7 The following forms have been adopted by the Judicial Council as alternative
8 mandatory forms for use in probate proceedings or other proceedings governed by
9 provisions of the Probate Code:

10
11 (1)–(2) * * *

12
13 (3) ~~*Petition to Approve Compromise of Disputed Claim or Pending Action or*~~
14 ~~*Disposition of Proceeds of Judgment*~~ *Petition for Approval of Compromise or*
15 *Disposition of Judgment Proceeds for Minor or Person With a Disability*
16 (form MC-350) and ~~*Expedited Petition to Approve Compromise of Disputed*~~
17 ~~*Claim or Pending Action*~~ *Petition for Expedited Approval of Compromise or*
18 *Disposition of Judgment Proceeds of Judgment for Minor or Person With a*
19 *Disability* (form MC-350EX).
20

21 (c) * * *

22
23
24 **Rule 7.950. Petition for court approval of the compromise of, or a covenant on, a**
25 **disputed claim; a compromise or settlement of a pending claim or action; or**
26 **the disposition of the proceeds of a judgment for a minor or person with a**
27 **disability**

28
29 A petition for court approval of a compromise of, or a covenant not to sue or enforce
30 judgment on, a minor's disputed claim; a compromise or settlement of a pending action
31 or proceeding to which a minor or person with a disability is a party; or the disposition of
32 the proceeds of a judgment for a minor or person with a disability under ~~chapter 4 of part~~
33 ~~8 of division 4 of the Probate Code (commencing with sections 3600–3613)~~ or Code of
34 Civil Procedure section 372 must be verified by the petitioner and must contain a full
35 disclosure of all information that has any bearing upon the reasonableness of the
36 compromise, covenant, settlement, or disposition. Except as provided in rule 7.950.5, the
37 petition must be ~~prepared~~ submitted on a fully completed ~~*Petition to Approve for*~~
38 *Approval of Compromise of Disputed Claim or Pending Action or Disposition of*
39 *Judgment Proceeds of Judgment for Minor or Person With a Disability* (form MC-350).
40

41
42 **Rule 7.950.5 Expedited Petition for expedited court approval of the compromise of,**
43 **or a covenant on, a disputed claim; a compromise or settlement of a pending a**

1 claim or action; or the disposition of the proceeds of a judgment for a minor
2 or person with a disability

3
4 (a) **Authorized use of expedited petition for expedited approval**

5
6 Notwithstanding the provisions of rule 7.950, a petitioner for court approval of a
7 compromise of, or a covenant not to sue or enforce judgment on, a minor's
8 disputed claim; a compromise or settlement of a pending action or proceeding to
9 which a minor or person with a disability is a party; or the disposition of the
10 proceeds of a judgment for a minor or person with a disability under chapter 4 of
11 part 8 of division 4 of the Probate Code (commencing with sections 3600–3613) or
12 Code of Civil Procedure section 372 may, in the following circumstances, satisfy
13 the information requirements of that rule by fully completing the *Expedited* submit
14 the petition on a completed *Petition to Approve for Expedited Approval of*
15 *Compromise of Disputed Claim or Pending Action or Disposition of Judgment*
16 *Proceeds of Judgment for Minor or Person With a Disability* (form MC-350EX):
17

18 (1)–(7) * * *

19
20 (8) The judgment for the minor or ~~disabled~~ claimant with a disability (exclusive
21 of interest and costs) or the total amount payable to the minor or ~~disabled~~
22 claimant with a disability and all other parties under the proposed
23 compromise or settlement is \$50,000 or less or, if greater:

24
25 (A) The total amount payable to the minor or ~~disabled~~ claimant with a
26 disability represents payment of the individual-person policy limits of
27 all liability insurance policies covering all proposed contributing
28 parties; and

29
30 (B) All proposed contributing parties would be substantially unable to
31 discharge an adverse judgment on the ~~minor's or disabled person's~~
32 claim from assets other than the proceeds of their liability insurance
33 policies; and

34
35 (9) The court does not otherwise order;_

36
37 (b) **Determination of expedited petition**

38
39 ~~An expedited~~ A petition for expedited approval must be determined by the court
40 not more than 35 days after it is filed, unless a hearing is requested, required, or
41 scheduled under (c),_ or the time for determination is extended for good cause by
42 order of the court.
43

1 (c) **Hearing on expedited petition**

2
3 (1) The ~~expedited~~ petition for expedited approval must be determined by the
4 court without a hearing unless:

5
6 (A) A hearing is requested by the petitioner at the time the ~~expedited~~
7 petition is filed;

8
9 (B) An objection or other opposition to the petition is filed by an interested
10 party; or

11
12 (C) A hearing is scheduled by the court under (2) or (3).

13
14 (2) The court may on its own motion elect to schedule and conduct a hearing on
15 ~~an expedited a~~ petition for expedited approval. The court must make its
16 election to schedule the hearing and must give notice of its election and the
17 date, time, and place of the hearing to the petitioner and all other interested
18 parties not more than 25 days after the date the ~~expedited~~ petition is filed.

19
20 (3) If the court decides not to grant ~~an expedited a~~ petition for expedited approval
21 in full as requested, it must schedule a hearing and give notice of its intended
22 ruling and the date, time, and place of the hearing to the petitioner and all
23 other interested parties within the time provided in (2).
24
25

26 **Rule 7.951. Disclosure of the attorney's interest in a petition to approve**
27 **compromise a of claim**

28
29 If the petitioner has been represented or assisted by an attorney in preparing the petition
30 to approve the compromise of the claim or in any other respect with regard to the claim,
31 the petition must disclose the following information:

32
33 (1)–(6) * * *

34
35
36 **Rule 7.952. Attendance at hearing on the petition to approve compromise a of claim**

37
38 (a) **Attendance of the petitioner and claimant**

39
40 The person petitioning for approval of the ~~compromising~~ compromise of the claim
41 on behalf of the minor or person with a disability and the minor or person with a
42 disability must attend the hearing on the ~~compromise of the claim~~ petition unless
43 the court for good cause dispenses with their personal appearance.

1
2 **(b) Attendance of the physician and other witnesses**

3
4 ~~At the hearing,~~ The court may require the presence and testimony of witnesses,
5 including the attending or examining physician, at the hearing.
6

7
8 **Rule 7.955. Attorney's fees for services to a minor or a person with a disability**

9
10 **(a)–(d) * * ***

11
12 **Advisory Committee Comment**

13
14 This rule requires the court to approve and allow attorney's fees in an amount that is reasonable
15 under all the facts and circumstances, under Probate Code section 3601. The rule is declaratory of
16 existing law concerning attorney's fees under a contingency fee agreement when the fees must be
17 approved by the court. The facts and circumstances that the court may consider are discussed in a
18 large body of decisional law under section 3601 and under other statutes that require the court to
19 determine reasonable attorney's fees. The factors listed in rule 7.955(b) are modeled in part after
20 those provided in rule ~~4-200~~ 1.5 of the Rules of Professional Conduct of the State Bar of
21 California concerning an unconscionable attorney's fee, but the advisory committee does not
22 intend to suggest or imply that an attorney's fee must be found to be unconscionable under rule ~~4-~~
23 ~~200~~ 1.5 to be determined to be unreasonable under this rule.
24

25 * * *

CASE NAME:	CASE NUMBER:
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4. **Incident or accident** The incident or accident occurred as follows:

- a. Date and time:
- b. Place:
- c. Persons involved (*names*):

Continued on Attachment 4.

5. **Nature of incident or accident**

The facts, events, and circumstances of the incident or accident are (*describe*):

Continued on Attachment 5.

6. **Injuries**

The following injuries were sustained by the claimant as a result of the incident or accident (*describe*):

Continued on Attachment 6.

7. **Treatment**

The claimant received the following care and treatment for the injuries described in item 6 (*describe*):

Continued on Attachment 7.

8. **Extent of injuries and recovery** (*An original or a photocopy of all doctors' reports containing a diagnosis of and prognosis for the claimant's injuries, and a report of the claimant's current condition, must be attached to this petition as Attachment 8. A new report is not necessary if a previous report accurately describes the claimant's current condition.*)

- a. The claimant has recovered completely from the effects of the injuries described in item 6, and there are no permanent injuries.
- b. The claimant has not recovered completely from the effects of the injuries described in item 6, and the following injuries from which the claimant has not recovered are temporary (*describe the remaining temporary injuries*):

Continued on Attachment 8b.

- c. The claimant has not recovered completely from the effects of the injuries described in item 6, and the following injuries from which the claimant has not recovered are permanent (*describe the permanent injuries*):

Continued on Attachment 8c.

CASE NAME:	CASE NUMBER:
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9. Petitioner has made a careful and diligent inquiry and investigation into the facts and circumstances of the incident or accident in which the claimant was injured; the responsibility for the incident or accident; and the nature, extent, and seriousness of the claimant's injuries. Petitioner understands that if the compromise proposed in this petition is approved by the court and consummated, the claimant will never be able to recover any more compensation from the settling defendants named below even if the claimant's injuries turn out to be more serious than they now appear.

10. Amount and terms of settlement

To settle the claim in item 3a or 3b, the defendants named below have offered to pay the following amounts to the claimant:

- a. The total amount offered by all defendants named below is (specify): \$
- b. The defendants and amounts offered by each are as follows (specify):

<u>Defendants (names)</u>	<u>Amounts</u>
	\$
	\$
	\$
	\$
	\$

Defendants and amounts offered continued on Attachment 10b.

c. The terms of settlement are as follows (if the settlement is to be paid in installments, both the total amount and the present value of the settlement must be included):

Continued on Attachment 10c.

11. Settlement payments to others

- a. No defendant named in item 10b has offered to pay money to any person or persons other than the claimant to settle claims arising out of the same incident or accident that resulted in the claimant's injury.
- b. To settle claims arising out of the same incident or accident that resulted in the claimant's injury, one or more defendants named in item 10b have also offered to pay money to a person or persons other than claimant.

(1) The total amount offered by all defendants to others is (specify): \$

(2) Petitioner does not have has a claim against the recovery of the claimant (other than for reimbursement of fees or expenses paid by petitioner and listed under item 14).
(If you answered "has," explain in Attachment 11b(2) the circumstances and the effect your claim has on the proposed compromise of the claim described in this petition.)

(3) Petitioner is not is a plaintiff in the same action with the claimant.
(If you answered "is," explain in Attachment 11b(3) the circumstances and the effect your claim and its disposition has on the proposed compromise of the claim or action described in this petition.)

(4) Petitioner would receive money under the proposed settlement.

(5) The settlement payments are to be apportioned and distributed as follows:

<u>Other plaintiffs or claimants (names)</u>	<u>Amounts</u>
	\$
	\$
	\$
	\$

Additional plaintiffs or claimants and amounts are listed on Attachment 11b(5).

(6) Reasons for the apportionment of the settlement payments between the claimant and each other plaintiff or claimant named above are specified on Attachment 11b(6).

CASE NAME:	CASE NUMBER:
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12. Claimant's medical expenses—including medical expenses paid by petitioner, Medicare, Medi-Cal, and private insurers—to be paid or reimbursed from proceeds of settlement or judgment

a. Totals

- (1) Total medical expenses: \$
- (2) Total outstanding medical expenses to be paid from the proceeds: \$
- (3) Total out-of-pocket, co-payments, or deductible payments to be reimbursed from proceeds: \$

b. Medical expenses were paid and are to be reimbursed from proceeds as follows:

- (1) Paid by petitioner in the amount of: \$
- (2) Paid by private health insurance or a self-funded plan under:
- (a) An Employee Retirement Income Security Act (ERISA) insured plan.
- (b) An ERISA self-funded plan.
- (c) A Non-ERISA insured plan.
- (d) A Non-ERISA self-funded plan.
- (e) Amount paid by plan: \$
- (f) Amount of reimbursement to the plan from proceeds of settlement or judgment:
- (i) No reimbursement is requested by the plan.
- (ii) Reimbursement is to be made to the plan, and:
- (A) There is a contractual reduction of: (\$)
- (B) There is a negotiated reduction of: (\$)
- (C) No reduction has been agreed to,
for a **total reimbursement** to the plan, in full satisfaction of its lien rights, in the amount of: \$
- (3) Paid by Medicare in the amount of: \$
less the statutory reduction in the amount of: (\$)
for a **total reimbursement** to Medicare in the amount of: \$
(Attach a copy of the final Medicare demand letter or letter agreement as Attachment 12b(3).)
- (4) Paid by Medi-Cal in the amount of: \$
- (a) Notice of this claim or action has been given to the State Director of Health Care Services under Welfare and Institutions Code section 14124.73. A copy of the notice and proof of its delivery is attached.
 was filed in this matter on (date):
- (b) Notice of this claim or action has **not** been given to the State Director of Health Care Services. (Explain why notice has not been given in Attachment 12b(4)(b).)
- (c) In full satisfaction of its lien rights, Medi-Cal has agreed to accept reimbursement in the amount of: \$
(Attach a copy of the final Medi-Cal demand letter or letter agreement as Attachment 12b(4)(c).)
- (d) Petitioner is entitled to a reduction of the Medi-Cal lien under Welfare and Institutions Code section 14124.76 and (check one):
- (i) Is filing a motion seeking a reduction of the lien concurrently with this petition.
- (ii) Requests that the court reserve jurisdiction over this issue.
The amount of the lien in dispute is: \$
- (5) (a) There are one or more statutory or contractual liens of medical service providers for payment of claimant's medical expenses. The total amount claimed under these liens is: \$
In full satisfaction of their lien claims, the lienholders have agreed to accept the sum of: \$
(Provide requested information for each lienholder and other specified medical service providers on next page.)

CASE NAME:	CASE NUMBER:
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12. Claimant's medical expenses (continued)

b. (5) (b) The name of each medical service provider that furnished care and treatment to claimant and (1) has a lien for all or any part of the charges or (2) was paid (or will be paid from the proceeds) by petitioner, for which **payment** petitioner requests reimbursement; the amounts charged and paid; the amount of negotiated reductions of charges, if any; and the amount to be paid from the proceeds of the settlement or judgment to each provider are as follows:

- (i) (A) Provider (*name*):
- (B) Address:

- (C) Amount charged: \$
- (D) Amount paid (whether or not by insurance): (\$)
- (E) Negotiated reduction, if any: (\$)
- (F) Amount to be paid from proceeds of settlement or judgment: \$

- (ii) (A) Provider (*name*):
- (B) Address:

- (C) Amount charged: \$
- (D) Amount paid (whether or not by insurance): (\$)
- (E) Negotiated reduction, if any: (\$)
- (F) Amount to be paid from proceeds of settlement or judgment: \$

- (iii) (A) Provider (*name*):
- (B) Address:

- (C) Amount charged: \$
- (D) Amount paid (whether or not by insurance): (\$)
- (E) Negotiated reduction, if any: (\$)
- (F) Amount to be paid from proceeds of settlement or judgment: \$

Continued on Attachment 12b(5). (Provide information about additional providers in the above format, including providers paid or to be paid by petitioner, and for which **payment** reimbursement is requested in item 12b(1), above. You may use form MC-350(A-12b(5)) for this purpose.)

13. Claimant's attorney's fees and all other expenses (except for medical expenses), including expenses advanced by claimant's attorney or paid or incurred by petitioner, to be reimbursed from proceeds of settlement or judgment

- a. Total amount of attorney's fees for which court approval is requested: \$
- (If fees are requested, attach as Attachment 13a a declaration from the attorney explaining the basis for the request, including a discussion of applicable factors listed in rule 7.955(b) of the Cal. Rules of Court. Respond to item 17a(2) on page 7 and attach a copy of any written attorney fee agreement as Attachment 17a.)*
- b. The following additional items of expense (other than medical expenses) have been incurred or paid, are reasonable, resulted from the incident or accident, and should be paid out of claimant's share of the proceeds of the settlement or judgment:

<u>Items</u>	<u>Payees (names)</u>	<u>Amounts</u>
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$

Continued on Attachment 13b. Total: \$

CASE NAME:	CASE NUMBER:
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14. Reimbursement of fees and expenses paid by petitioner

- a. Petitioner has paid none of the fees or expenses listed in items 12 and 13 for which reimbursement is requested.
- b. Petitioner has paid (or become obligated to pay) the following total amounts of the claimant's fees and expenses for which reimbursement is requested.

- (1) Medical expenses listed in item 12: \$
 - (2) Attorney's fees included in the total fee amount shown in item 13a: \$
 - (3) Other expenses included in the total shown in item 13b: \$
- Total: \$

(Attach proofs of the fees and expenses incurred and the payments made or obligations to pay incurred, e.g., bills or invoices, canceled checks, credit card statements, explanations of benefits from insurers, etc.)

15. Net balance of proceeds for the claimant

The balance of the proceeds of the proposed settlement or judgment remaining for the claimant after payment of all requested fees and expenses is: \$

16. SUMMARY

- a. Gross amount of proceeds of settlement or judgment for claimant: \$
- b. Medical expenses to be paid from proceeds of settlement or judgment: \$
- c. Attorney's fees to be paid from proceeds of settlement or judgment: \$
- d. Expenses (other than medical) to be paid from proceeds of settlement or judgment: \$
- e. Total fees and expenses to be paid from proceeds of settlement or judgment (add (b), (c), and (d)): (\$)
- f. Balance of proceeds of settlement or judgment available for claimant after payment of all fees and expenses (subtract (e) from (a)): \$

CASE NAME:	CASE NUMBER:
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17. Information about attorney representing or assisting petitioner

- a. (1) Petitioner has not been represented or assisted by an attorney in preparing this petition or in any other way with respect to the claim asserted. *(Skip the rest of item 17 and go to item 18.)*
- (2) Petitioner has been represented or assisted by an attorney in preparing this petition or with respect to the claim asserted. Petitioner and the attorney do not do have an agreement for services provided in connection with the claim giving rise to this petition.
(If you answered "do," attach a copy of the agreement as Attachment 17a, and complete items 17b–17f.)

b. The attorney who has represented or assisted petitioner is (name):

- (1) State Bar number:
 (2) Law firm:
 (3) Address:

(4) Telephone number: (5) Email:

c. The attorney has not has received attorney's fees or other compensation in addition to that requested in this petition for services provided in connection with the claim giving rise to this petition. *(If you answered "has," identify the person who paid the fees or other compensation, the amounts paid, and the dates of payment):*

<u>From whom (names)</u>	<u>Amounts</u>	<u>Dates</u>
	\$	
	\$	
	\$	
	\$	
	\$	

Continued on Attachment 17c.

d. The attorney did not did become concerned with this matter, directly or indirectly, at the instance of a party against whom the claim is asserted or a party's insurance carrier. *(If you answered "did," explain the circumstances in Attachment 17d.)*

e. The attorney is not is representing or employed by any other party or any insurance carrier involved in the matter. *(If you answered "is," identify the party or carrier and explain the relationship in Attachment 17e.)*

f. The attorney does not does expect to receive attorney's fees or other compensation in addition to that requested in this petition for services provided in connection with the claim giving rise to this petition. *(If you answered "does," identify the person who will pay the fees or other compensation, the amounts to be paid, and the expected dates of payment):*

<u>From whom (names)</u>	<u>Amounts</u>	<u>Expected dates</u>
	\$	
	\$	
	\$	
	\$	
	\$	

Continued on Attachment 17f.

CASE NAME:	CASE NUMBER:
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18. Disposition of balance of proceeds of settlement or judgment (check either a or b, then check each option requested):

- a. There **is** a guardianship of the estate of the minor or a conservatorship of the estate of the adult person with a disability filed in (name of court):
Case no.:
- (1) Petitioner requests that \$ _____ of the proceeds in money or other property be paid or delivered to the guardian or the conservator of the estate. The money or other property is specified in Attachment 18a(1).
- (2) Petitioner is the guardian or conservator of the estate of the minor or the adult person with a disability. Petitioner requests authority to deposit or invest \$ _____ of the money or other property to be paid or delivered under 18a(1) in insured accounts in one or more financial institutions in this state or with a trust company, subject to withdrawal only on authorization of the court. The money or other property and the name, branch, and address of each financial institution or trust company are specified in Attachment 18a(2).
- (3) Petitioner proposes that all or a portion of the proceeds **not** become part of the guardianship or conservatorship estate. Petitioner requests authority to deposit or transfer these proceeds as follows (check all that apply):
- (a) \$ _____ to be deposited in insured accounts in one or more financial institutions in this state, subject to withdrawal only on authorization of the court. The name, branch, and address of each depository are specified in Attachment 18a(3)(a).
- (b) \$ _____ to be invested in a single-premium deferred annuity, subject to withdrawal only on authorization of the court. The terms and conditions of the annuity are specified in Attachment 18a(3)(b).
- (c) \$ _____ to be transferred to a custodian for the benefit of the minor under the California Uniform Transfers to Minors Act. The name and address of the proposed custodian and the property to be transferred are specified in Attachment 18a(3)(c).
- (d) \$ _____ to be transferred to the trustee of a trust that is either created by or approved in the order approving the settlement or judgment for the minor. This trust is revocable when the minor reaches 18 years of age and contains all other terms and conditions determined to be necessary by the court to protect the minor's interests. The terms of the proposed trust and the property to be transferred are specified in Attachment 18a(3)(d).
 A copy of the (proposed) judgment is attached as Attachment 3c.
- (e) \$ _____ to be transferred to the trustee of a special needs trust under Probate Code section 3604 for the benefit of the minor or the adult person with a disability. The terms of the proposed special needs trust and the property to be transferred are specified in Attachment 18a(3)(e).
- b. There is **no** guardianship or conservatorship of the estate of the claimant. Petitioner requests that the court order the disposition of the balance of the proceeds of the settlement or judgment as follows (check each option requested):
- (1) A guardian of the estate of the minor or a conservator of the estate of the adult person with a disability be appointed and \$ _____ of money and other property be paid or delivered to the person so appointed. The money or other property are specified in Attachment 18b(1).
- (2) \$ _____ be deposited in insured accounts in one or more financial institutions in this state, subject to withdrawal only on authorization of the court. The name, branch, and address of each depository are specified in Attachment 18b(2).
- (3) \$ _____ be invested in a single-premium deferred annuity, subject to withdrawal only on authorization of the court. The terms and conditions of the annuity are specified in Attachment 18b(3).
- (4) \$ _____ be paid or transferred to the trustee of a special needs trust under Probate Code section 3604 for the benefit of the minor or the adult person with a disability. The terms of the proposed special needs trust and the money or other property to be paid or transferred are specified in Attachment 18b(4).
- (5) \$ _____ be paid or delivered to a parent of the minor, without bond, on the terms and under the conditions specified in Probate Code sections 3401–3402. The name and address of the parent and the money or other property to be delivered are specified in Attachment 18b(5). (Value of minor's entire estate, including the money or property to be delivered, must not exceed \$5,000.)
- (6) \$ _____ be transferred to a custodian for the benefit of the minor under the California Uniform Transfers to Minors Act. The name and address of the proposed custodian and the money or other property to be transferred are specified in Attachment 18b(6).

CASE NAME:

CASE NUMBER:

18. Disposition of balance of proceeds of settlement or judgment (continued)

- b. There is **no** guardianship or conservatorship of the claimant's estate. Petitioner requests that the court order the disposition of the balance of the proceeds of the settlement or judgment as follows (*check each option requested*):
- (7) \$ _____ be transferred to the trustee of a trust that is either created by or approved in the order approving the settlement or judgment for the minor. This trust is revocable when the minor reaches 18 years of age, and contains all other terms and conditions determined to be necessary by the court to protect the minor's interests. The terms of the proposed trust and the money or other property to be transferred are specified in Attachment 18b(7).
 A copy of the (proposed) judgment is attached as Attachment 3c.
- (8) \$ _____ of money be held on any conditions the court determines are in the best interest of the minor or the adult person with a disability. The proposed conditions are specified on Attachment 18b(8). (*Value must not exceed \$20,000.*)
- (9) \$ _____ of property other than money be held on the conditions that the court determines are in the best interest of the minor or the adult person with a disability. The proposed conditions and the property are specified in Attachment 18b(9).
- (10) \$ _____ be deposited with the county treasurer of the County of (*name*):
 The deposit is authorized under and subject to the conditions specified in Probate Code section 3611(h).
- (11) \$ _____ be paid or delivered to the adult person with a disability. The money or other property is specified in Attachment 18b(11).

19. Statutory liens for special needs trust

Petitioner requests an order for payment of funds to a special needs trust (*explain how statutory liens under Probate Code section 3604, if any, will be satisfied*):

Continued on Attachment 19.

20. Additional orders

Petitioner requests the following additional orders (*specify and explain*):

Continued on Attachment 20.

CASE NAME:	CASE NUMBER:
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21. Claimant consents to the requested orders or judgment (required if claimant is an adult with a disability who has the capacity, under Probate Code section 812, to consent to orders under sections 3600–3602 and 3610–3611 and does not have a conservator of the estate. See Prob. Code, § 3613.)

Date:

_____	▶	_____
(TYPE OR PRINT NAME OF CLAIMANT)		(SIGNATURE OF CLAIMANT)

22. Petitioner recommends approval of the proposed compromise, settlement, or disposition of judgment proceeds to the court as fair, reasonable, and in the best interest of the claimant. Petitioner requests that the court approve this compromise, settlement, or disposition and make any other orders that are just and reasonable.

23. Number of pages attached: _____

Date:

_____	▶	_____
(TYPE OR PRINT NAME OF ATTORNEY)		(SIGNATURE OF ATTORNEY)

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

Date:

_____	▶	_____
(TYPE OR PRINT NAME OF PETITIONER)		(SIGNATURE OF PETITIONER)

CASE NAME:	CASE NUMBER:
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**ATTACHMENT TO PETITION FOR APPROVAL OF COMPROMISE
OR DISPOSITION OF JUDGMENT PROCEEDS—
ADDITIONAL MEDICAL SERVICE PROVIDERS**

If you are using form MC-350 to file a petition for court approval of the compromise of a claim or action or the disposition of judgment proceeds for a minor or person with a disability, you must provide complete information in item 12b(5) of form MC-350 about any medical service providers (1) that have liens for payment for medical services provided to the minor or person with a disability or (2) that you paid (or will pay from the proceeds), for which payment you request reimbursement from the proceeds of the compromise or judgment. If you don't have enough room on form MC-350, you may use one or more copies of this form to provide the required information about additional medical service providers.

Attachment 12b(5) to form MC-350

12. b. (5) (b) Each medical service provider that furnished care and treatment to claimant and (1) has a lien for all or any part of the charges or (2) was paid (or will be paid from the proceeds) by petitioner, for which payment petitioner requests reimbursement; the amounts charged and paid; the amount of negotiated reductions of charges, if any; and the amount to be paid from the proceeds of the settlement or judgment to each provider are as follows:

- ___ (A) Provider (name):
- (B) Address:

- (C) Amount charged: \$
- (D) Amount paid (whether or not by insurance): (\$)
- (E) Negotiated reduction, if any: (\$)
- (F) Amount to be paid from proceeds of settlement or judgment: \$

- ___ (A) Provider (name):
- (B) Address:

- (C) Amount charged: \$
- (D) Amount paid (whether or not by insurance): (\$)
- (E) Negotiated reduction, if any: (\$)
- (F) Amount to be paid from proceeds of settlement or judgment: \$

- ___ (A) Provider (name):
- (B) Address:

- (C) Amount charged: \$
- (D) Amount paid (whether or not by insurance): (\$)
- (E) Negotiated reduction, if any: (\$)
- (F) Amount to be paid from proceeds of settlement or judgment: \$

- ___ (A) Provider (name):
- (B) Address:

- (C) Amount charged: \$
- (D) Amount paid (whether or not by insurance): (\$)
- (E) Negotiated reduction, if any: (\$)
- (F) Amount to be paid from proceeds of settlement or judgment: \$

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: ATTORNEY FOR (name):	FOR COURT USE ONLY DRAFT Not approved by the Judicial Council
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CASE NAME:	CASE NUMBER:
PETITION FOR EXPEDITED APPROVAL OF COMPROMISE OR DISPOSITION OF JUDGMENT PROCEEDS FOR MINOR OR PERSON WITH A DISABILITY	<input type="checkbox"/> No hearing date is requested. <input type="checkbox"/> HEARING DATE: DEPT.: TIME:

NOTICE TO PETITIONER

You must use this form to request expedited court approval of a qualifying (1) compromise of a minor's disputed claim, (2) compromise of a pending action or proceeding in which a minor or a person with a disability (including a conservatee) is a party, or (3) disposition of the proceeds of a judgment for a minor or person with a disability. (See Code Civ. Proc., § 372; Prob. Code, §§ 3500, 3600–3613.) You may request expedited approval **only if** (1) you are represented by an attorney; (2) the statements in items 3a, 3b, 3c, 3d, 3e, 3f, and either 3g(1) or 3g(2), below, are true; and (3) the court does not otherwise order.

If your compromise or judgment qualifies and you choose to use this form, the court may consider and act on your petition without a hearing. If your compromise or judgment qualifies for expedited consideration but you choose not to use this form or your compromise or judgment does not qualify for expedited consideration, you must use *Petition for Approval of Compromise or Disposition of Judgment Proceeds for Minor or Person With a Disability* (form MC-350), and the court will schedule a hearing.

1. **Petitioner (name):**
 is the (check all boxes that apply): Parent Guardian ad litem Guardian Conservator
 Other (specify relationship): _____
 of the claimant identified in item 2.

2. **Claimant (name):**
 - a. Address: _____
 - b. Date of birth: _____ c. Age: _____ d. Minor or Person with a disability
 - e. Has the capacity, within the meaning of Probate Code section 812, to consent to the requested order or judgment.
 - f. Does not have a conservator of the estate.
 (An adult claimant with a disability who (1) has capacity to consent to the order requested and (2) does not have a conservator of the estate must give express consent to the order requested. (Prob. Code, 3613.) See item 21, below.)

3. **Qualification for Expedited Approval**
 - a. The claimant's claim or action is **not** for damages for the death of a person caused by the wrongful act or neglect of another.
 - b. No portion of the net proceeds of the judgment or settlement in favor of the claimant is to be placed in a trust.
 - c. There are no unresolved disputes concerning liens to be satisfied from the proceeds of the judgment or settlement.
 - d. Petitioner's attorney did not become involved with this matter, directly or indirectly, at the request of a party against whom the claim is asserted or a party's insurance carrier.
 - e. Petitioner's attorney is not representing, employed by, or associated with a defendant in this matter or an insurance carrier.
 - f. All defendants that have appeared in a pending action on the claim are participating in the proposed compromise **or** the court has made a final determination that all settling parties entered into the settlement in good faith.
 - g. (1) The judgment described in item 4c (exclusive of interest and costs) or the total settlement described in items 11 and 12 payable to the claimant and all other persons named in item 12 is in the amount of \$50,000 or less; or
 (2) The settlement described in item 11 represents payment of the single-person policy limits of all liability insurance policies covering the defendants named in that item. The investigation described in Attachment 3 shows that all of those defendants are judgment-proof outside of their insurance coverage. (Describe investigation and results in Attachment 3.)

CASE NAME:	CASE NUMBER:
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4. Claim The claim of the minor or adult person with a disability:

- a. Is not the subject of a pending action or proceeding. (Complete items 5–23.)
 b. Is the subject of a pending action or proceeding that will be compromised without a trial. (Complete items 5–23.)

Name of court:

Case no.:

Trial date:

- c. Is the subject of an action or proceeding in which a judgment has been or will be entered for the claimant against the defendants named below in the amount (exclusive of interest and costs) of (specify): \$
Defendants (names)

Additional defendants listed on Attachment 4. The judgment was filed on (date):
 (Attach a copy of the (proposed) judgment as Attachment 4c and complete items 13–23.)

5. Incident or accident The incident or accident occurred as follows:

- a. Date: _____ Time: _____
 b. Place:
 c. Persons involved (names):

Additional persons listed on Attachment 5.

6. Nature of incident or accident

The facts, events, and circumstances of the incident or accident are (describe what happened):

Continued on Attachment 6.

7. Injuries

The following injuries were sustained by the claimant as a result of the incident or accident (describe):

Continued on Attachment 7.

8. Treatment

The claimant received the following care and treatment for the injuries described in item 7 (describe):

Continued on Attachment 8.

CASE NAME:	CASE NUMBER:
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9. **Recovery from injuries** (An original or a photocopy of all doctors' reports containing a diagnosis of and prognosis for the claimant's injuries, and a report of the claimant's **current** condition, must be attached to this petition as Attachment 9. A new report is not necessary if a previous report accurately describes the claimant's current condition.)
- a. The claimant has recovered completely from the effects of the injuries described in item 7, and there are no permanent injuries.
- b. The claimant has not recovered completely from the effects of the injuries described in item 7, and the following injuries from which the claimant has not recovered are temporary (describe the remaining **temporary** injuries):

Continued on Attachment 9b.

- c. The claimant has not recovered completely from the effects of the injuries described in item 7, and the following injuries from which the claimant has not recovered are permanent (describe the **permanent** injuries):

Continued on Attachment 9c.

10. **Petitioner has made a careful and diligent inquiry and investigation into the facts and circumstances of the incident or accident in which the claimant was injured; the responsibility for the incident or accident; and the nature, extent, and seriousness of the claimant's injuries. Petitioner understands that if the compromise proposed in this petition is approved by the court and consummated, the claimant will never be able to recover any more compensation from the settling defendants named below even if the claimant's injuries turn out to be more serious than they now appear.**

11. **Amount and terms of settlement**

To settle the claim in 4a or 4b, the defendants named below have offered to pay the following amounts to the claimant:

- a. The total amount offered by all defendants named below is (specify): \$
- b. The defendants and amounts offered by each are as follows (specify):

<u>Defendants (names)</u>	<u>Amounts</u>
\$	\$
\$	\$
\$	\$
\$	\$

Additional defendants and amounts offered are listed on Attachment 11b.

- c. The terms of settlement are described on Attachment 11c. (If the settlement is to be paid in installments, both the total amount and the present value of the settlement must be included.)

12. **Settlement payments to others**

- a. No defendant named in item 11b has offered to pay money to any person or persons other than the claimant to settle claims arising out of the same incident or accident that resulted in the claimant's injury.

- b. **One or more of the** defendants named in item 11b have also offered to pay money to a person or persons other than claimant to settle claims arising out of the same incident or accident that resulted in the claimant's injury.

- (1) The total amount offered by all defendants to others is (specify): \$
- (2) Petitioner would receive money under the proposed settlement.
- (3) The settlement payments are to be apportioned and distributed as follows:

<u>Other plaintiffs or claimants (names)</u>	<u>Amounts</u>
\$	\$
\$	\$
\$	\$

Additional plaintiffs or claimants and amounts are listed on Attachment 12.

- (4) The settlement payments are apportioned between the claimant and each other plaintiff or claimant named above on a pro rata basis, based upon the special damages claimed by each. The special damages claimed by each other plaintiff or claimant are specified on Attachment 12.
- (5) Reasons for the apportionment of the settlement payments between the claimant and each other plaintiff or claimant named above are specified on Attachment 12.

CASE NAME:	CASE NUMBER:
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19. Disposition of balance of proceeds of settlement or judgment *(check either a or b, then check each option requested):*

- a. There **is** a guardianship of the estate of the minor or a conservatorship of the estate of the adult person with a disability filed in *(name of court)*:
Case no.:
- (1) Petitioner requests that \$ _____ of the proceeds in money or other property be paid or delivered to the guardian of the estate of the minor or the conservator of the estate of the conservatee. The money or other property is specified in Attachment 19a(1).
- (2) Petitioner is the guardian or conservator of the estate of the minor or the adult person with a disability. Petitioner requests authority to deposit or invest \$ _____ of the money or other property to be paid or delivered under 19a(1) in one or more insured accounts with financial institutions in this state or with a trust company, subject to withdrawal only on authorization of the court. The money or other property and the name, branch, and address of each financial institution or trust company are specified in Attachment 19a(2).
- (3) Petitioner proposes that all or a portion of the proceeds **not** become part of the guardianship or conservatorship estate. Petitioner requests authority to deposit or transfer these proceeds as follows *(check all that apply)*:
- (a) \$ _____ to be deposited in insured accounts in one or more financial institutions in this state, subject to withdrawal only on authorization of the court. The name, branch, and address of each depository are specified in Attachment 19a(3)(a).
- (b) \$ _____ to be invested in a single-premium deferred annuity, subject to withdrawal only on authorization of the court. The terms and conditions of the annuity are specified in Attachment 19a(3)(b).
- (c) \$ _____ to be transferred to a custodian for the benefit of the minor under the California Uniform Transfers to Minors Act. The name and address of the proposed custodian and the property to be transferred are specified in Attachment 19a(3)(c).
- b. There is **no** guardianship of the estate of the minor or conservatorship of the estate of the adult person with a disability. Petitioner requests that the balance of the proceeds of the settlement or judgment be disbursed as follows *(check all that apply)*:
- (1) A guardian of the estate of the minor or a conservator of the estate of the adult person with a disability be appointed and \$ _____ of money and other property be paid or delivered to the person so appointed. The money or other property are specified in Attachment 19b(1).
- (2) \$ _____ of money be deposited in insured accounts in one or more financial institutions in this state, subject to withdrawal only on authorization of the court. The name, branch, and address of each depository are specified in Attachment 19b(2).
- (3) \$ _____ of money be invested in a single-premium deferred annuity, subject to withdrawal only on authorization of the court. The terms and conditions of the annuity are specified in Attachment 19b(3).
- (4) \$ _____ be paid or delivered to a parent of the minor on the terms and under the conditions specified in Probate Code sections 3401–3402, without bond. The name and address of the parent and the money or other property to be delivered are specified in Attachment 19b(4). *(Value of minor's entire estate, including the money or property to be delivered, must not exceed \$5,000.)*
- (5) \$ _____ be transferred to a custodian for the benefit of the minor under the California Uniform Transfers to Minors Act. The name and address of the proposed custodian and the money or other property to be transferred are specified in Attachment 19b(5).
- (6) \$ _____ of money be held on the conditions that the court determines to be in the best interest of the minor or adult person with a disability. The proposed conditions are specified on Attachment 19b(6). *(Value must not exceed \$20,000.)*
- (7) \$ _____ of property other than money be held on the conditions that the court determines to be in the best interest of the minor or adult person with a disability. The proposed conditions and the property are specified in Attachment 19b(7).
- (8) \$ _____ be deposited with the county treasurer of the County of *(name)*:
The deposit is authorized under and subject to the conditions specified in Probate Code section 3611(h).
- (9) \$ _____ be paid or transferred to the adult person with a disability. The money or other property is specified in Attachment 19b(9).

CASE NAME:	CASE NUMBER:
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20. **Additional orders**

Petitioner requests the following additional orders (*specify and explain*):

Continued on Attachment 20.

21. Claimant consents to the requested orders or judgment (*required if claimant is an adult with a disability who has the capacity, under Probate Code section 812, to consent to orders under sections 3600–3602 and 3610–3611 and does not have a conservator of the estate. See Prob. Code, § 3613.*)

Date:

(TYPE OR PRINT NAME OF CLAIMANT)

▶ _____
(SIGNATURE OF CLAIMANT)

22. Petitioner recommends the proposed compromise, settlement, or disposition of judgment proceeds for the claimant to the court as being fair, reasonable, and in the best interest of the claimant. Petitioner requests that the court approve this compromise, settlement, or disposition and make any other orders that are just and reasonable.

23. Number of pages attached: _____

Date:

(TYPE OR PRINT NAME)

▶ _____
(SIGNATURE OF ATTORNEY)

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

Date:

(TYPE OR PRINT NAME OF PETITIONER)

▶ _____
(SIGNATURE OF PETITIONER)

ATTORNEY OR PARTY WITHOUT ATTORNEY STATE BAR NUMBER: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: ATTORNEY FOR (name):	FOR COURT USE ONLY DRAFT Not approved by the Judicial Council
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CASE NAME:	
ORDER APPROVING COMPROMISE OR DISPOSITION OF JUDGMENT PROCEEDS FOR MINOR OR PERSON WITH A DISABILITY	
CASE NUMBER:	
HEARING DATE, IF ANY: DEPT.:	

1. **Petitioner (name):**

is the (check all relationships or representative capacities that apply): parent guardian ad litem
 guardian conservator other (specify):

of the claimant named in item 3. Petitioner has requested approval of the compromise or settlement of a disputed claim or pending action or the disposition of the proceeds of a judgment for a minor or a person with a disability.

2. **Hearing**

- a. No hearing was held. The petition sought expedited approval under rule 7.950.5 of the California Rules of Court.
- b. A hearing was held: Date: Time: Dept.:
- c. Judicial officer:

3. **Claimant (name):**

- a. is a minor.
- b. is a "person with a disability" within the meaning of Probate Code section 3603 who is:
 - (1) An adult. Claimant's date of birth is (specify):
 - (a) A person without a conservator. Claimant has the capacity to consent to this order within the meaning of Probate Code section 812, and has consented to this order.
 - (b) A conservatee, a person for whom a conservator may be appointed, or a person who lacks the capacity to consent to this order within the meaning of Probate Code section 812.
 - (2) A minor described in Probate Code section 3603(b)(3).

4. **Defendant**

The claim or action to be compromised or settled is asserted, or the judgment is entered, against (name of settling or judgment defendant or defendants (the "payer")):

CASE NAME:	CASE NUMBER:
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5. **THE COURT FINDS** that all notices required by law have been given.

6. **THE COURT ORDERS**

- a. The petition is granted and the proposed compromise or settlement, or the proposed disposition of the proceeds of the judgment, is approved. The gross amount or value of the settlement or judgment in favor of claimant is \$
- b. Until further order of the court, jurisdiction is reserved to determine a claim for a reduction of a Medi-Cal lien under Welfare and Institutions Code section 14124.76. The amount shown payable to the Department of Health Care Services in item 6c(1)(d) of this order is the full amount of the lien claimed by the department but is subject to reduction on further order of the court upon determination of the claim for reduction.
- c. The payer must disburse the proceeds of the settlement or judgment approved by this order in the following manner:

(1) **Payment of fees and expenses**

Fees and expenses shall be paid by one or more checks or drafts drawn payable to the order of the petitioner and the petitioner's attorney, if any, or directly to third parties entitled to receive payment identified in this order for the following items of expense or damage, which are hereby authorized to be paid out of the proceeds of the settlement or judgment:

- (a) Attorney's fees in the total amount of: \$ payable to *(specify)*:

- (b) Reimbursement for medical and all other expenses paid by the petitioner or the petitioner's attorney in the total amount of: \$

- (c) Medical, hospital, ambulance, nursing, and other similar expenses payable directly to providers as follows, in the total amount of: \$
 - (i) Payee *(name)*:
 - (A) address:

 - (B) Amount: \$
 - (ii) Payee *(name)*:
 - (A) address:

 - (B) Amount: \$

- Continued on Attachment 6c(1)(c). *(Provide information about additional payees in the above format.)*

- (d) Other authorized disbursements payable directly to third parties in the total amount of: \$
(Describe and state the amount of each item and provide the name and address of each payee):

Continued on Attachment 6c(1)(d).

- (e) Total allowance for fees and expenses from the settlement or judgment: \$

CASE NAME:

CASE NUMBER:

6. THE COURT ORDERS (continued)

c. The payer shall disburse the proceeds of the compromise, settlement, or judgment approved by this order as follows:

(2) Balance

The balance of the settlement or judgment available for claimant after payment of all allowed fees and expenses is: \$

The balance shall be disbursed as follows:

- (a) By one or more checks or drafts in the total amount of *(specify)*: \$
drawn payable to the order of the petitioner. Each check or draft must bear an endorsement on the face or reverse that it is for deposit in one or more interest-bearing, federally insured accounts in the name of the petitioner **in the petitioner's representative capacity**. No withdrawals may be made from these accounts ("blocked accounts") except as provided in the *Order to Deposit Funds Into Blocked Account* (form MC-355), which is signed at the same time as this order .
- (b) By the following method(s) *(describe each method, including the amount to be disbursed by each)*:

Continued on Attachment **6c(2)(b)**.

- (c) If money is to be paid to a special needs trust under Probate Code section 3604, all statutory liens in favor of the state Department of Health Care Services, the state Department of Mental Health, the state Department of Developmental Services, and any city and county in California must first be satisfied by the following method *(specify)*:

Continued on Attachment **6c(2)(c)**.

7. Further orders of the court concerning blocked accounts

The court makes the following additional orders concerning any part of the balance ordered to be deposited in a blocked account under item **6c(2)(a)**:

- a. Within 48 hours of receipt of a check or draft described in item **6c(2)(a)**, the petitioner and the petitioner's attorney, if any, must deposit the check or draft in the name of petitioner **in the petitioner's representative capacity** in one or more blocked accounts at *(specify name, branch, and address of each depository, and the amount of each account)*:

Continued on Attachment **7a**.

CASE NAME:	CASE NUMBER:
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7. Further orders of the court concerning blocked accounts (continued)

The court makes the following additional orders concerning any part of the balance ordered to be deposited in a blocked account under item 6c(2)(a):

- b. The petitioner and the petitioner's attorney, if any, must deliver to each depository at the time of deposit three copies of the *Order to Deposit Funds Into Blocked Account* (form MC-355), which is signed at the same time as this order, and three copies of the *Acknowledgment of Receipt of Funds and Order to Deposit Funds Into Blocked Account* (form MC-356). The petitioner or the petitioner's attorney must file a copy of the receipt with this court within 15 days of the deposit. The sole responsibilities of the petitioner and the petitioner's attorney, if any, are to place the balance in a blocked account or accounts and to file a copy of the receipt **on time**.
- c. The balance of the proceeds of the settlement or judgment deposited in a blocked account or accounts under item 6c(2)(a) may be withdrawn only as follows (*check (1) or (2)*):
- (1) No withdrawals of principal or interest may be made from the blocked account or accounts without a further written order under this case name and number, signed by a **judicial officer, and file-stamped by** this court. The money on deposit is not subject to escheat.
- (2) The blocked account or accounts belong to a minor, who was born on (*date*):
No withdrawals of principal or interest may be made from the blocked account or accounts without a further written order under this case name and number, signed by a **judicial officer, and file-stamped by** this court, until the minor **reaches 18 years of age**. When the minor **reaches 18 years of age**, the depository, without further order of this court, is authorized and directed to pay by check or draft directly to the former minor, upon proper demand, all funds, including interest, deposited under this order. The money on deposit is not subject to escheat.

8. Authorization to execute settlement documents

The petitioner is authorized to execute settlement documents as follows (*check only one*):

- a. On receipt of the full amount of the settlement sum approved by this order and the deposit of funds, the petitioner is authorized and directed to execute and deliver to the payer (1) a full, complete, and final release and discharge of any and all claims and demands of the claimant by reason of the accident or incident described in the petition and the resultant injuries to the claimant and (2) a properly executed dismissal with prejudice.
- b. The petitioner is authorized and directed to execute any and all documents reasonably necessary to carry out the terms of the settlement.
- c. The petitioner is authorized and directed to (*specify*):

Continued on Attachment 8c.

9. Bond is ordered and fixed in the amount of: \$ not required.

10. A copy of this order **must** be served on the payer **immediately**.

11. Additional orders

The court makes the following additional orders (*specify*):

Continued on Attachment 11.

Date:

JUDICIAL OFFICER

SIGNATURE FOLLOWS LAST ATTACHMENT

ATTORNEY OR PARTY WITHOUT ATTORNEY STATE BAR NO.: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: ATTORNEY FOR (name):	FOR COURT USE ONLY <p style="text-align: center;">DRAFT Not approved by the Judicial Council</p>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CASE NAME:	
ORDER TO DEPOSIT FUNDS INTO BLOCKED ACCOUNT	CASE NUMBER:

1. The petition of (name):
 as (specify representative capacity):
 funds in a blocked account or blocked accounts came on for hearing on (date):
 in Dept.:
 at (time): to deposit

THE COURT ORDERS

- Funds that belong to (name):
 must be deposited in one or more interest-bearing, federally insured blocked accounts.
- Each account must be opened in the name of the petitioner as custodian guardian conservator trustee for the person named in 2.
- The total amount authorized for deposit, including any accrued interest, is: \$
- Withdrawals (check a or b):
 - No withdrawal of principal or interest may be made from the blocked account or accounts without a written order under this case name and number signed by a judicial officer and file-stamped by this court. The money on deposit is not subject to escheat.
 - The funds in the blocked account or accounts belong to a minor, who was born on (date):
 No withdrawal of principal or interest may be made from the blocked account or accounts without a written order under this case name and number signed by a judicial officer and file-stamped by this court until the minor reaches 18 years of age.
 When the minor reaches 18 years of age, the depository, without further order of this court, is authorized and directed to pay by check or draft directly to the former minor, upon proper demand, all funds, including interest, deposited under this order. The money on deposit is not subject to escheat.
- The petitioner and the petitioner's attorney, if any, must (1) deliver a copy of this order to each depository in which funds are deposited under this order and (2) file with this court an acknowledgment from each depository of receipt of this order and the funds within 15 days of deposit.

Date:



JUDICIAL OFFICER

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: ATTORNEY FOR (name):	FOR COURT USE ONLY <p style="text-align: center;">DRAFT Not approved by the Judicial Council</p>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CASE NAME:	
ACKNOWLEDGMENT OF RECEIPT OF FUNDS AND ORDER TO DEPOSIT FUNDS INTO BLOCKED ACCOUNT	CASE NUMBER:

(Attach a copy of Order to Deposit Funds Into Blocked Account (form MC-355) to this receipt.)

1. I acknowledge receipt of the funds specified in 7, below, and the Order to Deposit Funds Into Blocked Account (form MC-355), a copy of which is attached.
2. The account described below, in which funds have been deposited under the court's order, is an interest-bearing, federally insured blocked account.
3. Name and title on account:

4. Name of depository:
 - a. Branch:
 - b. Address:

5. Account number:
6. Date account opened:
7. Amount of initial deposit: \$
8. Current balance: \$

I certify that the foregoing information is true and correct, that I am authorized to execute this acknowledgment of receipt on behalf of the depository named in 4, and that no withdrawal of principal or interest from this account will be permitted without a signed, file-stamped order under this case name and number from the court above.

Date:

(TYPE OR PRINT NAME)

▶

(AUTHORIZED SIGNATURE)

Title:

<p>ATTORNEY OR PARTY WITHOUT ATTORNEY STATE BAR NUMBER:</p> <p>NAME:</p> <p>FIRM NAME:</p> <p>STREET ADDRESS:</p> <p>CITY: STATE: ZIP CODE:</p> <p>TELEPHONE NO.: FAX NO.:</p> <p>EMAIL ADDRESS:</p> <p>ATTORNEY FOR (name):</p>	<p>FOR COURT USE ONLY</p> <p>DRAFT</p> <p>Not approved by</p> <p>the Judicial Council</p>
<p>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</p> <p>STREET ADDRESS:</p> <p>MAILING ADDRESS:</p> <p>CITY AND ZIP CODE:</p> <p>BRANCH NAME:</p>	
<p>CASE NAME:</p>	
<p>PETITION TO WITHDRAW FUNDS FROM BLOCKED ACCOUNT</p> <p style="text-align: center;"><input type="checkbox"/> EX PARTE</p>	<p>CASE NUMBER:</p>

1. Petitioner (name): requests an order permitting the withdrawal of funds belonging to the person described in item 2.
2. The person whose funds are to be withdrawn (name): _____ is
 - a. a minor.
 - b. a conservatee.
 - c. a beneficiary.
 - d. other (specify): _____
3. The information about the person identified in item 2 is as follows:
 - a. Date of birth: _____
 - b. Address: _____
 - c. Telephone number: _____
 - d. Email address: _____
 - e. Current school (name and address): _____
 - f. Current employer (name and address): _____
4. If the person identified in item 2 is a minor, the minor's parents are
 - a. (Name, address, phone number, and email): _____
 - b. (Name, address, phone number, and email): _____
5. Petitioner brings this petition as (indicate representative capacity):
 - a. parent
 - b. guardian
 - c. conservator
 - d. custodian
 - e. trustee
 - f. other (specify): _____
6. Account status
 - a. Name and title on account: _____
 - b. Depository (name):
 - (1) Branch: _____
 - (2) Address: _____
 - c. Account number: _____
 - d. Current balance: \$ _____

CASE NAME:	CASE NUMBER:
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6. Account status (continued)

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

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

Additional previous withdrawals from this account are detailed in Attachment 6 (*for each additional previous withdrawal, give the information required by 6e(2)(a)–(c)*).

Additional accounts from which petitioner seeks to withdraw funds are described in Attachment 6 (*for each additional account, give all the information required in 6a–6e*).

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

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

8. Reasons for disbursement of funds:

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

9. Payee to whom funds will be distributed:

a. Payee (*name*):

- (1) Address:
- (2) Amount: \$
- (3) Purpose:

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:

Additional payees and amounts to be distributed are listed on Attachment 9.

10. Number of pages attached: _____

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

Date:

(TYPE OR PRINT NAME)



(SIGNATURE OF PETITIONER)

 SIGNATURE FOLLOWS LAST ATTACHMENT

ATTORNEY OR PARTY WITHOUT ATTORNEY STATE BAR NUMBER: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: ATTORNEY FOR (name):	FOR COURT USE ONLY <p style="text-align: center;">DRAFT Not approved by the Judicial Council</p>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CASE NAME:	
ORDER FOR WITHDRAWAL OF FUNDS FROM BLOCKED ACCOUNT	CASE NUMBER:

1. The petition of (name): to withdraw 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, 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: \$ _____.
3. The funds are held in the following account:
- a. Name and title on the account:
- b. Depository (name):
- (1) Branch:
- (2) Address:
- c. Account number:
4. The funds are to be distributed by the depository, remittance payable as follows:
- a. Payee (name):
Amount: \$ _____
- 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: _____

Date:

▶ _____
JUDICIAL OFFICER

SIGNATURE FOLLOWS LAST ATTACHMENT