

PETITION FOR WITHDRAWAL OF FUNDS FROM MINOR'S RESTRICTED ACCOUNT



PINAL COUNTY

**HOW TO PETITION TO WITHDRAW FUNDS FROM
MINOR'S RESTRICTED ACCOUNT WITH THE
CONSENT OF THE MINOR**

INSTRUCTIONS AND FORMS

**Provided as a Public Service by
REBECCA PADILLA
Clerk of the Superior Court**

PETITION FOR WITHDRAWAL OF FUNDS FROM MINOR'S RESTRICTED ACCOUNT AND CONSENT OF MINOR

How to assemble these documents:

This packet contains general information and instructions on how to file Petition for Withdrawal of Funds from Restricted Account. Be sure the documents are in the following order:

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You have permission to use these forms for any lawful purpose. They shall not be used to engage in the unauthorized practice of law. The Court assumes no responsibility and accepts no liability for actions taken by users of these documents, including reliance on their contents. The documents are under continual revision and are current only for the day they were received. It is strongly recommended that you verify on a regular basis that you have the most current documents and that you contact an attorney to assist you in completing these forms if you have any questions.

INSTRUCTIONS AND PROCEDURES

HOW TO FILE A PETITION FOR WITHDRAWAL OF FUNDS FROM MINOR'S RESTRICTED ACCOUNT AND CONSENT OF MINOR

1. **Introduction:** You were appointed Conservator of a minor through Pinal County Superior and a restricted bank account was set up on behalf of the minor. This means that the funds cannot be used for **anything** until released by order of the Court. If the conservator wants to use the funds to buy something for the protected minor, the conservator **must** ask the Court in a petition for permission to use the funds.

Usually the Court will say what the funds can be used for, and how much money can be spent. The Court will usually not allow a parent to use the minor's money for the necessities/costs of daily living, such as clothing, food, or housing, since the parents have the obligation by law to provide these things for the minor.

2. **Complete the paperwork – Petition for Withdrawal of Funds from Minor's Restricted Account and Consent of Minor Packet:** Fill out the forms completely and in **black ink**:

- PETITION FOR WITHDRAWAL OF FUNDS FROM MINOR'S RESTRICTED ACCOUNT AND CONSENT OF MINOR. The Conservator should fill out completely the Petition for Withdrawal. The minor must sign the Consent of Minor if the minor is 14 years of age or older.
- FINANCIAL STATEMENT OF CUSTODIAL PARENT (S) OF MINOR. The custodial parents of the minor must complete the Financial Statement.
- NOTICE OF HEARING (Petition for Withdrawal of Funds from Minors Restricted Account). Complete the information of the person filing the document at the top of the page. Fill in the name of the minor in the caption. Reference the case number in which you were appointed conservator of the minor. Date and sign the document. The clerk will complete the information regarding the hearing date.
- PROOF OF NOTICE. Complete the information of the person filing the document at the top of the page. Fill in the name of the minor in the caption. Reference the case number in which you were appointed conservator of the minor. Complete this form **after** you have filed the original Petition for Withdrawal of Funds with the Clerk of the Superior Court. You must indicate who and how you gave parties entitled to receive notice of the Petition.
- ORDER AUTHORIZING WITHDRAWAL OF FUNDS FROM RESTRICTED ACCOUNT. Complete the information of the person filing the document at the top of the page. Fill in the name of the minor in the caption. Reference the case number in which you were appointed conservator of the minor. The judge will complete the rest of the document at the hearing.

3. **Make Copies of Original Documents:** Make the appropriate set of copies that you will need in order to give notice of the PETITION and NOTICE OF HEARING to **all interested persons** who are entitled to receive notice of this hearing:

- The protected minor if he/she is 14 years or older, or to the protected adult;
- A minor's spouse, or if minor is unmarried to any living parent of the minor; or to the spouse or adult child of an adult;
- The guardian, if the minor or adult has one, unless the conservator is also the guardian;
- To the guardian ad litem if one was appointed by the court.

4. **Take the Original and Copies to the Clerk to be filed:** Take all **originals and copies** of the documents **to the Clerk of the Superior Court:**

Visit our website for office locations or feel free to give us a call.

Contact Information for all Offices

Toll Free: 888.431.1311 • Local: 520.509.3555 or 311 • Fax: 520.866.5320

www.coscpinalcountyaz.gov/office.html

5. **Filing of Original Documents and Schedule a hearing on the Petition:** After you file the original Petition for Withdrawal and Financial Statement, a hearing will be set for you to tell the Judge what you want to buy, why, and how much you think it will cost. The clerk will also conform stamp all your copies and return copies back to you.
6. **Giving Notice of the Hearing to Interested Parties:** You **must give a copy** of the PETITION and NOTICE OF HEARING to **all interested persons**. You do not need to give formal notice by **personal service**, but you do need to **mail or deliver** the NOTICE OF HEARING. First class postage-prepaid mail is sufficient. Certified or Registered mail with return receipt is an extra step you can take to prove that the person you want notified actually received the notice. You can also give notice by Publication. People who should be given notice to include:
- The protected minor if he/she is 14 years or older, or to the protected adult;
 - A minor's spouse, or if minor is unmarried to any living parent of the minor; or to the spouse or adult child of an adult;
 - The guardian, if the minor or adult has one, unless the conservator is also the guardian;
 - To the guardian ad litem if one was appointed by the court.
7. **Filing Proof of Notice:** Complete the rest of the Proof of Notice as to how you gave notice to all interested parties of the Petition and Notice of Hearing. You can file the Proof of Notice prior to your hearing date or give original Proof of Notice to the Judge the day of your scheduled hearing. Make sure to keep a copy of the Proof of Notice when giving the original to the court.
8. **Attend the hearing:** Be ready to tell the Judge what you want to spend the money for, how much you think it will cost, and why this is in the best interests of the minor. If the Judge grants your Petition, the Order will tell you how much money you are authorized to spend, and what you can spend it on
9. **Purchase a Certified Copy of the Order:** After the Order is signed; a certified copy of the Order will need to be purchased from the Customer Service Counter in the Clerk's Lobby. There is an \$26.00 certification fee plus \$0.50 per page copy charge to purchase a certified copy. Take the certified copy of the Order and present this to the bank, so that the bank will release the amount indicated on the Order.

OTHER HELP: If you still have questions about this procedure, you can ask a lawyer for legal advice. You can look up a lawyer in the telephone book under "attorneys."

Name of Person Filing: _____
 Street Address: _____
 City, State, Zip Code: _____
 Telephone Number: _____
 Email Address: _____
 Representing Self (No Attorney) or Represented by Attorney
 If Attorney, Bar Number: _____

**SUPERIOR COURT OF ARIZONA
 PINAL COUNTY**

In the Matter of the Conservatorship of: _____ CASE NUMBER: GC _____

**PETITION FOR WITHDRAWAL OF FUNDS
 FROM MINOR'S RESTRICTED ACCOUNT
 AND CONSENT OF MINOR**

Minor _____ HONORABLE: _____

PETITIONER ALLEGES:

1. This Petition is made by _____, who was appointed conservator of the estate of _____, a minor on _____.
2. The approximate total value of this minor's estate is \$_____.
3. The following assets of this minor are under court control:

<u>TYPE OF ASSET</u>	<u>FINANCIAL INSTITUTION</u>	<u>APPROX. VALUE</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

4. Petitioner, as conservator, has need of funds for this minor in the amount of \$_____.
5. The Financial Statement(s) to be signed by Custodial Parent(s) of the minor are filed with this petition.
6. The persons entitled to notice of this proceeding are:

<u>NAME</u>	<u>ADDRESS</u>	<u>RELATIONSHIP</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

Petitioner requests that the court issue an order authorizing _____
(name of financial institution)
to release the needed funds and, if applicable authorizing the Clerk of the Superior Court to release the passbook,
funds or certificate of deposit to _____

**The undersigned swears or affirms that the statements set forth above are true and correct,
subject to the penalties of making a false affidavit or declaration.**

(Date)

(Petitioner's Signature)

CONSENT OF MINOR *

1. I am _____, the minor whose funds the conservator has petitioned to withdraw.
2. I was born _____ and am 14 years of age or older.
3. I have read the petition to withdraw funds from my account(s) and I consent to the request made in the petition and waive the requirement of Notice of Hearing on the Petition.

(Date)

(Minor's Signature)

*** Consent is required if the minor whose funds are being withdrawn is 14 or older.**

Name of Person Filing: _____
 Street Address: _____
 City, State, Zip Code: _____
 Telephone Number: _____
 Email Address: _____
 Representing Self (No Attorney) or Represented by Attorney
 If Attorney, Bar Number: _____

**SUPERIOR COURT OF ARIZONA
 PINAL COUNTY**

In the Matter of the Conservatorship of: _____ CASE NUMBER: GC _____

**FINANCIAL STATEMENT OF
 CUSTODIAL PARENT(S) OF MINOR**

 Minor HONORABLE: _____

_____ makes the following answers and statements of facts:

1. Name, address, phone number of present employer:

2. Present occupation or position _____ Hire date _____.

3. IF NOT EMPLOYED, WHY?

4. Do you expect to work? Yes No If yes, when and anticipated occupation?

5. Names and ages of minor children residing with you:

6. List all bank accounts (checking, saving, credit union, certificates of deposit, etc.) in your name or in which you have an interest:

7. List all real estate, stocks, bonds, shares or cash in your name or in which you have an interest:

The undersigned swears or affirms that the statement set forth above and on page two of this Affidavit is true and correct, subject to the penalties of making a false affidavit or declaration.

(Date)

(Signature)

SUBSCRIBED AND SWORN TO before me this _____ day of _____, 20 _____

My Commission Expires:

(Deputy Clerk/Notary Public)

NECESSARY MONTHLY EXPENSES (For all persons residing in household)			HOUSEHOLD INCOME	
Housing			Gross Paycheck	
Utilities			Less: Fed. Taxes	
Electricity			State Taxes	
Gas			FICA	
Water			Credit Union	
Phone			Insurance	
Garbage			Union Dues	
Food/Household Supplies			Saving/Etc.	
Work/School Lunch			Other	
Medial /Denial Supplies			Total Deductions	\$
Insurance (not deducted from pay)			Net Paycheck	\$
Clothing				
Child Care/Sitter			OTHER MONTHLY INCOME	
Support paid for Spouse and/or minor children of prior marriage			Pension /Retirement	
TRANSPORTATION			Social Security/SSI	
Car Repair/Maint.			Dividends/Interest	
Car Insurance			GA/TANF	
Gas/Oil			Spousal Maint./Support	
Bus/Taxi Fares			Total Other Income	\$
Other				
			Total Monthly Income – All Sources	\$
Total Monthly Expenses			Total Monthly Income less Total Monthly Expenses / Payments	\$
Monthly Payments				
Creditors	Balance	Payment		
Total Monthly Payments				
Total Monthly Expenses / Payments				

Name of Person Filing: _____
Street Address: _____
City, State, Zip Code: _____
Telephone Number: _____
Email Address: _____
 Representing Self (No Attorney) or Represented by Attorney
If Attorney, Bar Number: _____

**SUPERIOR COURT OF ARIZONA
PINAL COUNTY**

In the Matter of the Conservatorship of: _____ CASE NUMBER: GC _____

**NOTICE OF HEARING REGARDING PETITION
FOR WITHDRAWAL OF RESTRICTED FUNDS**

Minor _____ HONORABLE: _____

THIS IS A LEGAL NOTICE; YOUR RIGHTS MAY BE AFFECTED
An important court proceeding that affects your rights has been scheduled. If you do not understand this Notice or the other court papers, contact an attorney for legal advice.

1. **NOTICE IS GIVEN** that the Petitioner has filed with the Court the following Petition and other court papers (List the title of the Petition and the title of all papers you filed with the court:

2. **COURT HEARING.** A court hearing has been scheduled to consider the Petition and matters in the court papers as follows:

HONORABLE JUDGE: _____

DATE AND TIME: _____

PLACE: Pinal County Justice Complex, Superior Court
971 Jason Lopez Circle, Bldg. A, Florence, AZ 85232

3. **RESPONSE TO PETITION.** You can file a written Response to the Petition. If you file a written Response, file the original with the court, provide a copy to the judge named above, and mail a copy to all interested parties at least five (5) business days before the hearing. Or, you can appear in person at the hearing. You must appear at the hearing only if you wish to object to the Petition. **Note:** There are filing fees associated with filing a written response, inquire with the Clerk of the Court.

If you wish to object to any part of the Petition or Motion that accompanies this notice, you must file with the Court a written objection describing the legal basis for your objection at least three (3) days before the hearing or you must appear in person or through an attorney at the time and place set forth in the notice of hearing.

(Dated)

(Petitioner's Signature)

Name of Person Filing: _____
 Street Address: _____
 City, State, Zip Code: _____
 Telephone Number: _____
 Email Address: _____
 Representing Self (No Attorney) or Represented by Attorney
 If Attorney, Bar Number: _____

**SUPERIOR COURT OF ARIZONA
 PINAL COUNTY**

In the Matter of the Conservatorship of: _____ CASE NUMBER: GC _____

PROOF OF NOTICE

 Minor HONORABLE: _____

The undersigned states that copies of the **Petition for Withdrawal of Funds from Minor's Restricted Account, Financial Statement of Custodial Parent(s) of Minor**, and complete Notice of Hearing were delivered or mailed to the following persons:

<u>Name and Address</u>	<u>Delivered or Mailed</u> (state which was done)	<u>Date</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

**The undersigned swears or affirms that the statements set forth above are true and correct,
 subject to the penalties of making a false affidavit or declaration.**

 (Date)

 (Signature)

SUBSCRIBED AND SWORN TO before me this _____ day of _____, 20 _____

My Commission Expires: _____ (Deputy Clerk/Notary Public)

**SUPERIOR COURT OF ARIZONA
PINAL COUNTY**

In the Matter of the Conservatorship of:

CASE NUMBER: GC

**ORDER AUTHORIZING WITHDRAWAL OF
FUNDS FROM RESTRICTED ACCOUNT**

Minor

HONORABLE: _____

The Petition for Withdrawal of Funds of Minor having been considered, the court finds:

1. Notice has been given as required by law, or is not required.
2. Release of the assets is in the best interests of the minor.

IT IS THEREFORE ORDERED:

1. The conservator / Clerk of the Court is authorized to withdraw the sum of \$ _____ from account # _____ at _____ (name of the financial institution) to be used for the purpose set forth in the Petition.
2. If applicable, the Clerk shall release the funds, passbook or certificate of deposit for the account to the conservator.
3. Upon presentation of a certified copy of this Order, not more than 30 days after being signed by the court, the financial institution shall permit the withdrawal of the authorized sum. All remaining funds shall remain subject to court control, with no further withdrawal allowed without court order.
4. Directing the Conservator to use the money for the following purposes, and to file receipts as proof that the funds have been used for the purposes within _____ days of this order:

PURPOSE	AMOUNT
_____	\$ _____
_____	\$ _____
_____	\$ _____

THIS ORDER IS NOT VALID MORE THAN 30 DAYS AFTER BEING SIGNED BY THE COURT.

(Date)

(Judge of the Superior Court)