



## SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

### MINOR'S COMPROMISE INFORMATION AND INSTRUCTIONS

This document provides the procedures for requesting approval of a compromise claim of a minor or a person with a disability. All petitions will be filed in the location specified by the Zip Code List (SDSC Form #ADM-254) unless there is an underlying civil action assigned to an independent calendar judge who is still in that assignment, in which case the petition will be filed at that location.

To request approval of a compromise claim of a minor or a person with a disability, complete and submit the following:

- Application and Order for Appointment of Guardian Ad Litem (JC Form #CIV-010).
- Attachment to JC Form #CIV-010 (SDSC Form #CIV-383).
- Petition for Approval of Compromise of Claim or Action or Disposition of Proceeds of Judgment for Minor or Person with a Disability (JC Form #MC-350) (Petition).
  - **Documentary Support.** The Petition must include all information in support of the reasonableness of the compromise of the claim for the minor or person with a disability, including copies of the medical bills. (Cal. Rules of Court, rule 7.950.)
  - **Doctor's Report.** The court requires copies of medical records and medical bills, detailing the extent of the injuries or disability from the examining or attending physician in lieu of an appearance by the physician. The records must include the diagnosed injury and the current prognosis for the injury. The record of the most recent examination showing the current condition of the patient must be included. The documents must be filed with the Petition or at least five court-days before the hearing date. (Cal. Rules of Court, rule 7.952.)
  - **Photographs.** Subject to personal privacy concerns, the court requires high resolution color photographs of any scarring to be lodged with the Petition or at least five court-days before the hearing date.
  - **Medical Lien Documents.** If there are medical liens or claims for reimbursement to health insurance companies or automobile carrier (MedPay), the Petition must include documentation confirming the amount of the medical lien including the demand letter/letter of compromise from the medical provider reflecting the final balance on the account for court approval. A statement showing only a balance is not sufficient.
  - **Medi-Cal or Medicare Documents.** The Petition must include confirmation by letter from Medi-Cal or Medicare for any balance due or reimbursement. If the reimbursement was negotiated, the demand letter/letter of compromise reflecting the final balance is needed.
  - **Cost Reimbursement Documents.** If an attorney is seeking reimbursement for costs advanced, there must be an easily understandable itemization showing the costs.
  - **Cost Reimbursement to Petitioner.** If the petitioner or parent is seeking reimbursement for costs advanced, a copy of the invoice, a copy of cancelled checks, or other documentation showing the expenses that were paid is required.
  - **Attorney Fee Requests.** Requests for attorney fees must comply with Cal. Rules of Court, rule 7.951 and 7.955 with a supporting declaration explaining the reason for the attorney fee request, including a discussion of the factors listed in Cal. Rules of Court, rule 7.955(B). The attorney fee retainer agreement is needed. (Family Code, § 6602.)
  - **Bank Name and Address.** The Petition must include the name and address of the California banking institution to be used for any blocked bank accounts. The petitioner is advised to confirm that the proposed bank will agree to open a blocked account before listing the bank on the Petition. (Cal. Rules of Court, rule 7.953.)

- **Annuity Contract.** When the Petition is filed, the identity of the intended annuity company must be included with the schedule of payments for the annuity. The rating of the annuity company must also be filed with the court. The annuity company must be qualified with a minimum rating of A+. The petitioner must provide confirmation of the rating status for the annuity company. After the approval of the settlement, the court will set a hearing for filing a verified copy of the annuity contract. The copy of the annuity contract must also include a declaration from a person knowledgeable stating that the annuity policy is a complete copy of the original.
- **Special Needs Trust.** If a special needs trust is being utilized, the court will require a copy of the trust documents.
- Order Approving Compromise of Claim or Action or Disposition of Proceeds of Judgment from Minor or Person with a Disability (JC Form #MC-351) (Order).
- Order to Deposit Funds in Blocked Account (JC Form #MC-358) or Trust Agreement per SDSC Local Rule 2.4.6.
- Filing fee or Request to Waive Court Fees (see Fee Waiver Packet [SDSC PKT-010]). Refer to Fee Schedule (SDSC Form #ADM-001) available on the court's website at [www.sdcourt.ca.gov](http://www.sdcourt.ca.gov) for the current fee.

After the documents are filed:

- A hearing will be scheduled on the Petition within 30 days of the date of filing.