

**FIRST JUDICIAL DISTRICT OF PENNSYLVANIA  
COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY  
Trial Division - Civil<sup>1</sup>**

PLAINTIFF : TERM, 20  
: :  
v. : :  
: :  
DEFENDANT : NO:

**PETITION FOR LEAVE TO SETTLE OR  
COMPROMISE MINOR'S ACTION<sup>2</sup>**

To The Honorable, the Judges of the Said Court:

The Petition of \_\_\_\_\_, a minor, by his Guardian (see Pa. R.C.P. No. 2028), by his attorney, \_\_\_\_\_, Esquire respectfully requests:

1) Petitioner is (see Pa. R.C.P. No. 2026): \_\_\_\_\_.

2) The minor was born on \_\_\_\_\_, and his/her social security number is \_\_\_\_\_.

3) The minor resides with \_\_\_\_\_ at the following address:  
\_\_\_\_\_.

4) A guardian (was) (was not) appointed for the minor as follows:  
\_\_\_\_\_.

A copy of the Order is attached.

5) The minor's parents are \_\_\_\_\_  
who reside at the following address:  
\_\_\_\_\_.

6) The defendant is \_\_\_\_\_ who resides or whose principal place of  
business at all relevant times was \_\_\_\_\_.

7) On \_\_\_\_\_ at the following location \_\_\_\_\_,  
the minor sustained the following injuries (set forth in detail):  
\_\_\_\_\_.

<sup>1</sup> In the event the Petition is filed in the Orphans' Court Division, the caption must comply with Pa.O.C. 3.2.

<sup>2</sup>In the event the Petition involves an Incapacitated Person, appropriate changes are to be made. See Pa.R.C.P. No. 2051, et seq. and Phila, Civ. R. 2064.

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8) A Complaint was filed against defendant(s) as follows: \_\_\_\_\_  
\_\_\_\_\_.

9) Attached hereto is a report by Dr. \_\_\_\_\_ dated \_\_\_\_\_  
which sets forth the present condition of the minor.

10) Attached hereto is a statement, under oath, of the minor's parents and/or guardian and/or  
guardian ad litem certifying the physical and/or mental condition of the minor, as well as the  
parents' and/or guardian's and/or guardian ad litem's approval of the proposed settlement and  
distribution.

11) Attached hereto is the written approval of the proposed settlement and distribution by the minor,  
who is sixteen (16) years of age or older.

12) The following settlement has been proposed:<sup>3</sup> \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

(If additional space is needed, please continue on separate page).

13) Counsel is of the professional opinion that the proposed settlement is reasonable due to the  
following: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

(If additional space is needed, please continue on separate page).

14) Counsel has incurred the following expenses for which reimbursement is sought (please set  
forth in detail) \_\_\_\_\_  
\_\_\_\_\_.

(If additional space is needed, please continue on separate page).

15) The following costs have been incurred by or on behalf of the minor and must be paid from the  
proceeds of the settlement: \_\_\_\_\_  
\_\_\_\_\_.

<sup>3</sup>Phila. Civ. R. ★2039 (D)(5)(f) provides that if there is to be an allocation between adults and minors or among  
minors, the amounts allocated to each party and specific reasons for such allocation must be set forth. Additionally, if  
more than one plaintiff is involved, whether minor, adult or incapacitated, Petitioner must set forth the amount each will  
receive and shall provide justification for the requested allocation. In the event a portion of the settlement is payable  
through the purchase of an annuity, set forth the credit rating of the entity which assumes responsibility for future  
payments, the present cost of the annuity, as well as the periodic and lump sum payments.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

(If additional space is needed, please continue on separate page.)

16) The Department of Human Services, or any other entity, does (not) have a claim or lien against the plaintiff(s) as follows \_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_.

(If additional space is needed, please continue on separate page.)

17) Counsel requests a fee in the sum of \$ \_\_\_\_\_ which is \_\_\_\_\_% per cent of the net settlement payable to the minor. A copy of the retainer agreement is attached.

18) Counsel (has) (has not) and (will) (will not) receive collateral payments as counsel fees for representation involving the same matter from third parties (i.e. subrogation).

19) The net settlement payable to the minor (after deduction of costs and attorney's fees) is \$ \_\_\_\_\_.

WHEREFORE, Petitioner requests that he/she be permitted to enter into the settlement recited above and that the Court enter an Order of Distribution<sup>4</sup> as follows:

a) To \_\_\_\_\_ \$ \_\_\_\_\_  
Reimbursement for Costs

b) To \_\_\_\_\_ \$ \_\_\_\_\_

c) To \_\_\_\_\_ \$ \_\_\_\_\_  
Counsel Fee

d) To: Adult Plaintiff(s) (if applicable) \$ \_\_\_\_\_

e) To \_\_\_\_\_, A \$ \_\_\_\_\_  
Minor,<sup>5</sup> in restricted accounts not to be withdrawn before majority or upon prior leave of Court.

OR

f) To \_\_\_\_\_, the Guardian of \$ \_\_\_\_\_

<sup>4</sup> Counsel is cautioned to specifically provide the requested distribution. Requests that distribution be "as per the attached Order" are not acceptable.

<sup>5</sup> Counsel is cautioned that the restricted account must be set up in the name of the minor *only* (not in the name of the parent as guardian for the minor). See Pa.R.C.P. No. 2039(b)(2).

the Estate of \_\_\_\_\_,  
A Minor, appointed or to be appointed by the  
Orphans' Court of \_\_\_\_\_ County,  
after posting appropriate security

\_\_\_\_\_  
Name of Attorney  
Attorney for Petitioner

**VERIFICATION**

I, \_\_\_\_\_, am the Petitioner in this action and hereby verify that the statements made in the foregoing Petition to Settle or Compromise Minor's Action are true and correct to the best of my knowledge, information and belief.

I understand that the statement in said Petition are made subject to the penalties of 18 Pa. C.S. §4904 relating to unsworn falsification to authorities.

DATE: \_\_\_\_\_

\_\_\_\_\_  
PETITIONER

FIRST JUDICIAL DISTRICT OF PENNSYLVANIA  
COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY  
Trial Division - Civil

: TERM, 20  
:  
:  
:  
: No.

**ORDER APPROVING SETTLEMENT**  
**AND**  
**ORDER FOR DISTRIBUTION**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, upon consideration of the Petition For Leave to Compromise A Minor's Action, filed \_\_\_\_\_, it is hereby ORDERED and DECREED that Petitioner is authorized to enter into a settlement with Defendant(s) \_\_\_\_\_ in the gross sum of \_\_\_\_\_ (\$ \_\_\_\_\_) Dollars. Defendant(s) shall forward all settlement drafts or checks to Petitioners' counsel for proper distribution.

IT IS FURTHER ORDERED and DECREED that the settlement proceeds be allocated as follows:

1. To: Minor Plaintiff(s)

<u>NAME</u>	<u>DOB</u>	<u>SS #</u>	
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____

2. To: Adult Plaintiff(s)

_____	\$ _____
_____	\$ _____

IT IS FURTHER ORDERED and DECREED that the settlement proceeds be distributed as follows:

1. Minor Plaintiff<sup>6</sup>

<u>NAME</u>	<u>DOB</u>	<u>SS #</u>	
_____	_____	_____	\$ _____

<sup>6</sup> The share of each minor Plaintiff shall be separately distributed.

- a. To: \_\_\_\_\_, Esquire \$ \_\_\_\_\_  
 Reimbursement of Costs
- b.     To: \_\_\_\_\_ \$ \_\_\_\_\_  
 Costs
- c.     To: \_\_\_\_\_, Esquire \$ \_\_\_\_\_  
 Counsel Fees
- d.     The balance, the sum of \$ \_\_\_\_\_ payable to \_\_\_\_\_,  
 A Minor, shall be distributed as follows<sup>7</sup>:

**OPTION 1**

To: \_\_\_\_\_, Guardian of the Estate of \_\_\_\_\_, A minor; provided, however, that no payment shall be made to the guardian until the guardian has posted additional security as required by the Orphans' Court Division of \_\_\_\_\_ County pursuant to 20 Pa. C.S. §5121, et seq. An appropriate Petition shall be filed with the Orphans' Court within thirty (30) days.

**OPTION 2**

Counsel is hereby authorized to execute all documentation necessary to purchase saving certificate(s), from federally insured banks or savings institutions having an office in Philadelphia County, in the sum of \$ \_\_\_\_\_, each not to exceed the insured amount, with the funds payable to the minor upon majority. The certificate shall be titled and restricted as follows:

\_\_\_\_\_, a minor, not to be redeemed except for renewal in its entirety, not to be withdrawn, assigned, negotiated, or, otherwise alienated before the minor attains majority, except upon prior Order of Court.

Counsel shall open a savings account in the sum of \$ \_\_\_\_\_ in the name of the minor. The savings account shall be titled and restricted as follows:

\_\_\_\_\_, a minor, not to be withdrawn before the minor attains majority, except for the payment of city, state, and federal income taxes on the interest earned by the savings certificate and savings account, or upon prior Order of Court.

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<sup>7</sup> In the event a portion of the settlement is payable through the purchase of an annuity, set forth the credit rating of the entity which assumes responsibility for future payments, the present cost of the annuity, as well as the periodic and lump sum payments.

2. Adult Plaintiff<sup>8</sup>

The portion of the settlement payable to \_\_\_\_\_, an Adult Plaintiff named in the Complaint, shall be distributed as follows:

To: _____, Esquire	\$ _____
Reimbursement of Costs	
To: _____	\$ _____
Costs	
To: _____, Esquire	\$ _____
Counsel Fees	
To: _____	\$ _____
Plaintiff	

Pursuant to Phila. Civ. R. ★2039 (H), counsel shall file with the Office of Judicial Records<sup>9</sup> within sixty (60) days of the entry of this final Order, proof of the establishment of the accounts as required herein, by Affidavit from counsel certifying compliance with this Order. Counsel shall attach to the Affidavit a copy of the Certificate of Deposit and/or bank account containing the required restrictions.

BY THE COURT:

\_\_\_\_\_ J.  
 ORPHANS' COURT DIVISION

<sup>8</sup> The share of each adult plaintiff shall be separately distributed.

<sup>9</sup> If the Petition has been filed with the Clerk of the Orphans' Court Division pursuant to Rule \*2039 (B)(2), the Affidavit shall likewise be filed with the Clerk of the Orphans' Court Division.



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v.

**AFFIDAVIT**

I, \_\_\_\_\_, Esquire, hereby state and affirm that I have complied with the Order issued on \_\_\_\_\_ by the Honorable \_\_\_\_\_ as follows:

Copies of bank accounts are attached hereto.

I verify that the statements in this Affidavit are made subject to the penalties of 18 Pa. C.S. 4904 relating to unsworn falsification to authorities.

DATE: \_\_\_\_\_

\_\_\_\_\_  
Attorney for Petitioner, Esquire