

IN THE COURT OF CHANCERY OF THE STATE OF DELAWARE

Register in Chancery
Kent County
38 The Green, Ste. 208
Dover, DE 19901
302-735-1930

Register in Chancery
New Castle County
500 N. King Street, St. 11600
Wilmington, DE 19801
302-255-0544

Register in Chancery
Sussex County
34 The Circle
Georgetown, DE 19947
302-856-5775

Procedures for filing a Petition to Expend for a Minor

- A petition to expend requires the following:
 - **A completed petition.** The court clerk cannot complete the petition for you. If the minor is fourteen years old or older, the minor must also sign the petition.
 - **A copy of the bank statement(s) dated within the thirty days prior to filing the petition.**
 - **A completed “financial statement supporting petition to expend.”** There may be times when a more detailed financial disclosure form will need to be completed and a promissory note signed. A promissory note is signed by the guardian(s) promising to repay the guardianship account the amount of money that is about to be borrowed, if authorized by the Judicial Officer. The court clerk will determine if a promissory note is necessary. A promissory note is an additional \$25.00.
 - **A letter from the minor (if minor is fourteen years old or older).** If the minor is fourteen years old or older, a letter will be required from the minor stating he/she understands what the money is being requested for and he/she understands the money will be taken from their guardianship account.
 - **Supporting documentation.** Provide any receipts, invoices and other documentation that detail the expenses for which you are petitioning.
 - **\$35 filing fee.** Thirty-five dollars filing fee in the form of a check or money order payable to “Register in Chancery.” Cash is acceptable if appearing in person.
- If the petition to expend is to purchase a vehicle, please see the enclosed insert for additional instructions. If the request is for clothes, the guardian(s) must provide a layaway statement or the advertisement.
- The guardian(s) is/are responsible for obtaining consents from the interested parties or sending notice of the petition to the interested parties by regular U.S. mail. Please see the instruction sheet within this packet for additional information.
- It is the petitioner’s responsibility to provide the Court with photocopies of all supporting documentation. If the Register in Chancery’s office makes photocopies for you, we will charge a \$1.50 per page fee. When submitting your supporting documentation, it must be filed on regular 11 x 8.5 paper that can be easily scanned onto the computer.
- You may mail the completed petition to the Register in Chancery in the county where your guardianship case was established and the completed order will be mailed back to you.
- As part of the order, the guardian(s) will be responsible to file all receipts within twenty days. If the guardian(s) fail(s) to file the proper receipts, all future petitions may be denied.

INSTRUCTIONS FOR REQUESTING THE PURCHASE OF A VEHICLE

- If purchasing from a dealership, the guardian must provide the following:
 - The sales agreement which shows the agreed-upon final price including taxes and tags, VIN number, mileage, make, model and year. The name of the dealership must be printed on the sales agreement.
 - A printout from Kelley Blue Book or CarMax as to the value of the vehicle if purchasing a used vehicle

- If purchasing from a private seller, the guardian must provide the following:
 - A letter from the seller with the vehicle information to include the VIN number, mileage, make, model, year and purchase price
 - A printout from Kelley Blue Book as to the value of the vehicle

- Both the guardian and the minor must provide copies of the following:
 - Their driver's licenses (no permits will be considered)
 - A copy of the current insurance information
 - A letter from the minor stating they know what the funds are going to be used for

- The parent/guardian will be required to put the title of the vehicle in the minor's name as the owner and the parent/guardian can be listed as second owner

- If the petition is approved, the order will require the bank to issue the check payable to the seller

- The parent/guardian will be required to file copies of the receipt of purchase and the title to the vehicle within twenty (20) days or a Rule to Show Cause may be issued against you

FINANCIAL STATEMENT SUPPORTING PETITION TO EXPEND

Pursuant to Del Code Title 13 § 501, it is the parent’s responsibility to provide financial support for the minor child until the age of 18.

Please select one of the following:

- natural parent/guardian non-parent/guardian

I receive the following monthly amounts of money for this child:

- SSI _____ death benefit _____
 child support _____ other _____

Why should this minor child pay for the items listed on the petition from his/her own funds?

Guardian	Co-Guardian/Co-Trustee (if applicable)
I declare under penalty of perjury under the laws of Delaware that the foregoing is true and correct.	I declare under penalty of perjury under the laws of Delaware that the foregoing is true and correct.
Executed on the _____ day of _____ (month) _____ (year).	Executed on the _____ day of _____ (month) _____ (year).
_____ (Guardian’s Printed Name)	_____ (Co-Guardian’s Printed Name)
_____ (Guardian’s Signature)	_____ (Co-Guardian’s Signature)

IN THE COURT OF CHANCERY OF THE STATE OF DELAWARE

In the Matter of: _____ :
 :
 :
 _____, : C.M. #: _____
 A Minor :
 :

PETITION TO EXPEND

1. _____ [Name of Guardian(s)]
was/were appointed guardian(s) of the property of _____ [Name
of Minor] by court order dated _____.

2. The minor is ____ years old and his/her date of birth is _____.

3. Information about the minor's guardianship account(s):
 - a. Name of bank(s) where guardianship account(s) is/are: _____

 - b. Current balance of the guardianship account(s): \$ _____

4. Information about the money being requested:
 - a. Total amount requested: \$ _____

 - b. The money will be used for the following reason(s): _____

_____.

 - c. The money will be withdrawn from the guardianship account(s) at
_____ [Name of bank(s) where the money will

be withdrawn from], account number(s) ending in

_____ [last four digits of the account number(s)].

5. I/we understand if the order to expend is approved, I/we will be responsible for filing all receipts within twenty days of the court order.

Guardian

Minor (if over the age of 14)

I declare under penalty of perjury under the laws of Delaware that the foregoing is true and correct.	I declare under penalty of perjury under the laws of Delaware that the foregoing is true and correct.
Executed on the _____ day of _____ (month) _____ (year).	Executed on the _____ day of _____ (month) _____ (year).
_____	_____
(Guardian's Printed Name)	(Minor's Printed Name)
_____	_____
(Guardian's Signature)	(Minor's Signature)
_____	_____
(Guardian's Address)	(Minor's Address)
_____	_____
(Guardian's Address)	(Minor's Address)
_____	_____
(Guardian's Phone Number)	(Minor's Phone Number)
_____	_____

INSTRUCTIONS FOR NOTIFYING INTERESTED PARTY(IES) OF PETITION TO EXPEND

It is the guardian's(s') responsibility to notify the interested party(ies) when a petition is filed with the Court.

If you do not know the address for an interested party, you must make every attempt to locate the address and file the enclosed affidavit of efforts to locate address of interested party with your petition (a separate affidavit is required for each individual).

Option 1 – Consent

Any interested party may sign a copy of the attached "Consent" form.

Option 2 – Send Notice

If any interested party does not sign the consent form, you must send them a copy of the attached "Notice of Petition". You may send the petition by regular U.S. Mail.

Any interested party who has not signed a consent must receive notice of your petition at least thirteen (13) days before the Court will consider the petition. This ensures that all interested parties have adequate time to contact the Court with any questions they may have or file any objection to the petition.

To be filed with the Court

You must file the following documents with the Court before the petition will be reviewed by a Judicial Officer:

- a. Any and all consent forms,
- b. The attached "Certificate of Mailing" (if any notices were sent), and
- c. Any affidavit(s) of efforts to locate address of interested party.

IN THE COURT OF CHANCERY OF THE STATE OF DELAWARE

In the matter of: _____ :
: C.M. #: _____
A minor _____ :

CONSENT

I, _____, whose relationship to the
minor is that of _____ (e.g. mother, brother),
hereby consent to the petition to expend.

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

Executed on the _____ day of _____ (month) _____ (year).

_____ (Printed Name)

_____ (Signature)

Address: _____

Phone Number: _____

IN THE COURT OF CHANCERY OF THE STATE OF DELAWARE

IN THE MATTER OF: _____ :
 :
 : C.M. # _____
A minor _____ :

**AFFIDAVIT OF EFFORTS TO LOCATE
ADDRESS OF INTERESTED PARTY**

I/We, _____, petitioner(s) in the above matter, hereby confirm that I/We have been unable, after exercising reasonable diligence, to locate an address for interested party, _____ [Name of interested party or missing person], in order to provide that interested party with notice of the filing of the petition.

My/Our last contact with _____ [Name of interested party or missing person] was on or around _____ [month/year] and to the best of my/our knowledge, the last contact he/she had with the minor was on or around _____ [month/year].

My/Our efforts have included the following [please check all that apply]:

- performing an internet search for the address of the interested party;
- asking other interested parties if they know of the missing person's

current whereabouts;

- messaging the missing person through electronic means;

Other: _____

If I/We subsequently locate the missing interested party, I/We will notify the Court of his/her address.

Petitioner

Co-Petitioner

STATE OF _____ :

COUNTY OF _____:

This instrument was acknowledged before me on this _____ day of _____, 20____ by _____ [Name of affiant].

Notary Public/Chancery Court Clerk

Pursuant to Court of Chancery Rule 178B, the use of an Unsworn Declaration (see below) is permitted rather than the notary requirement.

Petitioner

Co-Petitioner (if applicable)

I declare under penalty of perjury under the laws of Delaware that the foregoing is true and correct.	I declare under penalty of perjury under the laws of Delaware that the foregoing is true and correct.
Executed on the _____ day of _____ (month) _____ (year).	Executed on the _____ day of _____ (month) _____ (year).
_____ (Petitioner's Printed Name)	_____ (Co-Petitioner's Printed Name)
_____ (Petitioner's Signature)	_____ (Co-Petitioner's Signature)

IN THE COURT OF CHANCERY OF THE STATE OF DELAWARE

IN THE MATTER OF:

_____,
A minor

:
:
:
: C.M. # _____
:

CERTIFICATE OF MAILING

The guardian(s) mailed on this date, _____ a “Notice of

Petition” to the following interested parties:

Name	Address

Guardian

Co-Guardian (if applicable)

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

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

Executed on the _____ day of _____ (month) _____ (year).

Executed on the _____ day of _____ (month) _____ (year).

(Guardian’s Printed Name)

(Co-Guardian’s Printed Name)

(Guardian’s Signature)

(Co-Guardian’s Signature)