

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, 7th Floor Wilmington, DE 19801 302-255-0544 | Register in Chancery Sussex County 34 The Circle Georgetown, DE 19947 302-856-5777 |
|--|--|--|

Procedures for filing a Petition to Initiate Monthly Allotment

- The petition to initiate monthly allotment requires the following:
 - A completed petition. The court clerk cannot complete the petition for you.
 - A copy of the guardianship bank statement(s) dated within the thirty days prior to filing the petition.
 - Supporting documentation. Provide any receipts, bills or invoices to show why a monthly allotment is necessary.
 - The filing fee for the petition is \$35.00. We accept cash, check or money order (made payable to “Register in Chancery”).
- The petitioner is 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 and it must be one-sided.
- 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

IN THE COURT OF CHANCERY OF THE STATE OF DELAWARE

In the matter of: _____ :
_____ :
A person with a disability _____, C.M. #: _____ :
_____ :

Petition to Initiate Monthly Allotment

1. Name of guardian(s): _____

2. Date guardian was/were appointed: _____

3. Information about the guardianship bank account(s)

a. Name of bank(s) where guardianship account(s) is/are:

b. Current net balance of all assets owned by the person with a disability:

3. I/We have found that the person with a disability has ongoing monthly expenses
in the amount of \$ _____ for _____

_____.

4. I/We respectfully request the Court to authorize a monthly allotment of

\$ _____ from the guardianship account at _____

[Name of bank where money will be withdrawn from], account number ending in

_____ [last four digits of the account number].

| Signature section for guardian | Signature section for any co-guardian |
|---|---|
| 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. |
| Date: _____ | Date: _____ |
| Print name: _____ | Print name: _____ |
| Signature: _____ | Signature: _____ |
| Address: _____ _____ | Address: _____ _____ |
| Phone Number: _____ | Phone Number: _____ |

Instructions for Notifying Interested Parties of Petition

It is the petitioner's(s') responsibility to notify the interested parties when a petition is filed with the Court.

How to Notify the Interested Parties

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 notice 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.

Unknown address for an interested party

If you do not know the address for an interested party, you must make every attempt to locate the address and file an affidavit of efforts to locate address of interested party. A separate affidavit is required for each interested party. If you locate an address for the interested party at a later time you will need to notify the court.

If an affidavit of efforts to locate address of interested party has already been filed with the court, you do not need to file another affidavit.

If an affidavit of efforts to locate address of interested party has never been filed with the court, you will need to file one with the petition. The affidavit is available on the court's website or can be requested from the Register's Office (Form CM6).

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 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 person with a disability :
 :

Consent of Interested Party to Petition to Initiate Monthly Allotment

I, _____ [Name of interested party], whose
relationship to the person with a disability is that of _____

(e.g. mother, brother), hereby consent to the petition to initiate monthly allotment.

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

Date: _____

Print Name: _____

Signature: _____

Address: _____

Phone Number: _____

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 St., 7th Floor
Wilmington, DE 19801
302-255-0544

Register in Chancery
Sussex County
34 The Circle
Georgetown, DE 19947
302-856-5777

In the matter of: _____ :
 :
 : C.M. #: _____
A person with a disability :
 :

Notice of Petition to Initiate Monthly Allotment

Dear Interested Parties:

This is a notice that I am/we are filing a petition to initiate a monthly allotment of \$ _____ which is the amount which can be withdrawn each month from the guardianship account. Notice is being sent to you as an interested party.

If you object to the petition, you must immediately file a written objection with the Register in Chancery’s Office that has been marked above. If you do not file a written objection within **thirteen (13) days** of the date of this notice, any objections will be deemed waived.

Petitioner’s signature: _____

Co-Petitioner’s signature: _____

Date: _____

IN THE COURT OF CHANCERY OF THE STATE OF DELAWARE

In the matter of: _____ :
 _____, : C.M. #: _____
 A person with a disability :
 _____ :

Certificate of Mailing to Petition to Initiate Monthly Allotment

The guardian(s) mailed the “Notice of Petition to Initiate Monthly Allotment” on _____ [date] to the following interested parties:

| Name of Interested Parties | Address of Interested Parties |
|----------------------------|-------------------------------|
| | |
| | |
| | |
| | |
| | |

| Signature section for guardian | Signature section for any co-guardian |
|---|---|
| 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. |
| Date: _____ | Date: _____ |
| Print name: _____ | Print name: _____ |
| Signature: _____ | Signature: _____ |