

## **ORPHANS' COURT DIVISION RULE 12.16G**

### **RULE 12.16G      PETITION TO SETTLE CLAIMS**

#### **Sec. 1.      Contents of Petition.**

Where no action has been instituted, a petition by a guardian of a minor (as the term "guardian" is defined under Pa. R.C.P. 2026) for authority to settle a claim for damages proposed to be paid to the estate of a minor shall be verified by the guardian of the minor, shall contain a statement of the nature of the evidence relied upon to show liability, the elements of damage, the injuries sustained, and the list of expenses incurred or to be incurred. The petition shall be accompanied by the following exhibits:

- (a) A statement by counsel as to such counsel's professional opinion regarding the desirability of the settlement and reasons therefor, a description of the services rendered, a description and the amount of reimbursable expenses requested, and the amount of fees requested, which, except in extraordinary circumstances, shall not exceed 33-1/3 percent of the present value of a structured settlement or 33-1/3 percent of the gross recovery of any other settlement;
- (b) A statement by the attending physician as to the injuries sustained by the minor, treatment administered and the prognosis; and
- (c) In property damage claims, a statement by the party who made the repairs or appraised the loss.

#### **Sec. 2.      Deposit of Funds by Order of Court.**

All petitions under this Rule where the proceeds of settlement are to be deposited in a savings account or in a certificate of deposit, shall have attached to the petition an order including the following:

It is hereby ordered and decreed that the amount of \$\_\_\_\_\_ shall be deposited in the name of \_\_\_\_\_, a minor, by counsel of record in a savings account or certificate of deposit in a federally insured bank, savings and loan association or credit union. The savings account or certificate of deposit shall be marked "NOT TO BE WITHDRAWN UNTIL THE MINOR REACHES THE AGE OF MAJORITY OR BY FURTHER ORDER OF COURT."

**Sec. 3. Settlement of Filed Action.**

For approval of a minor's claim where an action has been instituted, see Allegheny County Civil and Family Division Rule 2039.