

CIVIL COURT OF THE CITY OF NEW YORK

DIRECTIVES AND PROCEDURES

Subject: Infants's Compromises

Class: DRP 162-1

Category: GP 10, GP 60

Effe. Date: September 9, 2002

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Background

The Civil Court receives approximately 2500 Infant's Compromises per year. Sometimes the compromise occurs in the context of an action, but most of them are a first paper filing. Either situation assumes that there has been an agreement to settle the case for a specific amount of money and that the settlement is fair to the infant.

Sometimes a lien is placed on the award by a doctor, Medicaid, etc., subsequent to the agreement and is not part of the compromise. This may create a problem for an unwitting defendant who may then have to vacate the compromise. In order to avoid this possibility we are instituting the following procedure.

Procedure

When an Infant's Compromise is filed, the attorney for the petitioner is to notify the respondent of such filing and alert him/her that the compromise will be placed on the calendar for judicial review.

If the attorney for the defendant is filing the compromise on behalf of the infant/plaintiff, no notification will be required.

The Chief Clerk is directed to develop a clerical procedure.

Date: _____

Hon. Fern A. Fisher
Administrative Judge