

PETITIONS TO APPOINT A GUARDIAN

- All petitions to appoint a guardian shall be heard on Tuesdays, Wednesday, and Thursdays at 10:00AM.
  - Court evaluator's reports and responsive papers shall be filed 2 days prior to the return date.
- Applications for adjournments must be on stipulation signed by all parties and the court evaluator and approved by the Court prior to the hearing date.
  - Stipulations for adjournments must be delivered to the clerk of the part 1 day prior to the return date. The party requesting the adjournment is responsible for delivery.
  - Unless a stipulation for adjournment is submitted 1 day prior, all requests for adjournments shall be made in person on the return date. No adjournments will be granted by telephone on the date the case appears on the calendar.
- Affidavits of service for orders to show cause shall be filed in the Guardianship Clerk's Office (Room 285) 2 days prior to the return date.
- All orders and judgments shall be served by the petitioner on all counsel, guardian(s) and court examiner within 10 days of the date of decision.
- Any application for TEMPORARY INJUNCTIVE RELIEF must be in compliance with 22 NYCRR §202.7(f).
  - Notice to the party against whom the TRO is sought must contain (1) date, (2) place and (3) a one hour period of time in which the application will be made.
  - Attorneys making the application for the TRO must appear during the noticed time regardless of whether the application is being opposed.

MOTIONS/PETITIONS OTHER THAN TO APPOINT A GUARDIAN

- Motions on Guardianship matters shall be returnable on Wednesdays at 11:00 AM unless otherwise scheduled by the Court through an order to show cause.
  - The moving party shall provide the Court with a valid e-mail address. Exceptions will be made for Pro Se litigants and those that do not own or have access to a computer or an e-mail account.
- Applications for adjournments must be on stipulation signed by all parties and the court evaluator and approved by the Court prior to the hearing date.
  - Stipulations for adjournments must be delivered to the clerk of the part 1 day prior to the return date.
  - Unless a stipulation for adjournment is submitted 1 day prior, all requests for adjournments shall be made in person on the return date. No adjournments will be granted by telephone on the date the case appears on the calendar.
- All motions must be submitted to the Guardianship Clerk's Office (Room 285) at least 7 days prior to the return date.
  - All responsive papers shall be filed 2 days prior to the return date.

- Affidavits of service for orders to show cause shall be filed in the Guardianship Clerk's Office (Room 285) 2 days prior to the return date.
- In general, all written applications are on submission. A proposed order granting the relief requested shall be attached on a separate legal back.
- Requests for oral arguments on the appearance date must be clearly indicated on the Notice of Motion or Order to Show Cause.
- Any application for TEMPORARY INJUNCTIVE RELIEF must be made in compliance with 22NYCRR §202.7(f).
  - Notice to the party against whom the TRO is sought must contain (1) date, (2) place and (3) a one hour period of time in which the application will be made.
  - Attorneys making the application for the TRO must appear during the noticed time regardless of whether the application is being opposed.

### FINAL ACCOUNT

- Final Accounts must be filed in the form of one consolidated accounting, from the date of the last judicially settled account and may not be submitted in the form of multiple annual accounts.
- All Motions to Settle Final Accounts must have the following attachments: (1) a Referee's Report (unless waived), (2) a proposed Order Settling the Final Account, and (3) the Affirmation(s) of Legal Services if the moving attorney is requesting fees.
- Guardians and/or attorneys responsible for preparing and filing a Discharge Order may not access any commissions or fees due him/her pursuant to the Order Settling the Final Account, until the Discharge Order, in proper form and complying with all provisions of the Order Settling the Final Account, is filed with copies of canceled checks, receipts, and/or affidavits, is signed by the Court, and confirmed by Chambers.

### COMPLIANCE CONFERENCES

- Compliance conferences shall be held on Tuesdays and Thursdays at 2:30 PM.
- Guardians who are directed to appear for a compliance conference in the appointing order and judgment and have complied by filing the oath/designation/bond and obtaining the Commission shall call (347) 401-9442 to advise the court of their compliance.
- All other guardians/parties who have received a compliance order shall appear on the referenced date and time.