

**CIVIL COURT OF THE CITY OF NEW YORK**

**ADVISORY NOTICE**

Subject: Guardians Ad Litem Signing Stipulations

Class: AN-10

Category: LT-10

Eff. Date: October 14, 2009

**GUARDIANS AD LITEM SIGNING STIPULATIONS**

In light of concerns regarding Guardians Ad Litem signing stipulations, GALs have been issued the following directive:

Guardians Ad Litem (GALs) may negotiate and draft stipulations with the Landlord and make a recommendation to the Judge based on the best interests of the ward and all possible defenses. However, GALs must not sign a stipulation until the Judge has an opportunity to review and allocute the stipulation on the record. (DRP- 188, Category – LT-110, effective October 14, 2009).

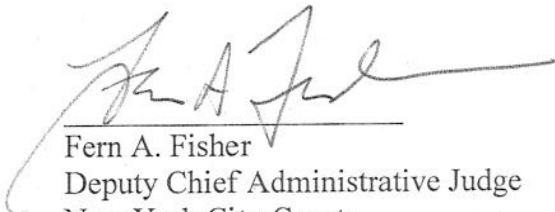
Please be advised that responsibility for insuring that a stipulation settling the case of a person for whom a GAL has been appointed is appropriate rests ultimately with the Judge who so orders the stipulation. *BML Realty Group v. Jack Samuels*. 2007 WL 58197, N.Y.L.J., March 2, 2007, 29:1 (N.Y.Sup.App.Term 1<sup>st</sup> Dept.).

Accordingly, the suggested best practice is for Judges to consider all sides on the record, including the GAL's recommendation, and evaluate all known information about the ward's mental status, possible claims and defenses, as well as the ward's best interest. If the ward is present, the Judge should listen to him or her and balance their incapacity level and its effect on their judgment on the settlement. If the ward is not present, the Judge should consider efforts required under AN-7, LT-10, effective March 8, 2007.

After taking all of these factors into consideration, the Judge may so order the stipulation of settlement, if appropriate.

Date:

10/14/09

  
Fern A. Fisher  
Deputy Chief Administrative Judge  
New York City Courts