

HON. GARY F. KNOBEL, J.S.C.

IAS Part 18 – Part Rules & Procedures

GUARDIANSHIP CASES

Effective January 2, 2024

Principal Law Clerk: Alexander E. Mangano, Esq.

Secretary: Kathleen Nolan

Part Clerk: Kaitlin Cusick

Chambers: (516) 493-3223

Chambers Fax: (516) 493-3057

Courtroom: (516) 493-3226

Chambers email: JudgeKnobelRemote@nycourts.gov

I. General Rules

- a. **ALL COUNSEL MUST APPEAR VIRTUALLY FOR ALL CALENDARED MATTERS UNLESS SPECIFICALLY EXCUSED.**
- b. During virtual proceedings, the parties should maintain the decorum that exists in all courtroom proceedings. Specifically, the parties should appear in professional attire, minimize distractions in their environment, use video as well as audio equipment, and mute their microphones when other parties are speaking.
- c. **All proceedings shall occur via Microsoft Teams unless otherwise instructed or requested and approved for in-person.**
- d. Copies of correspondence between counsel should not be sent to the Court as same will not be placed in the Court File.
- e. All proposed Orders in e-Filed Guardianship cases MUST be e-filed. All other filings on Guardianship cases not yet converted to E-File should be mailed to the courthouse Attention: Guardianship Department. NO FILINGS SHALL BE MAILED DIRECTLY TO CHAMBERS.
- f. **All parties are encouraged to convert their matters to an E-Filed case to enable expeditious processing.**

II. Orders to Show Cause to Appoint a Guardian

- a. **Contact Information for Interested Parties:** Petitioner's attorney must submit a list of email addresses for all parties required to receive notice to the Part via email judgeknobelremote@nycourts.gov seven (7) days prior to the hearing date.
- b. **Microsoft Teams:** All parties must be able to appear remotely (by both audio and video) on the return date scheduled. Microsoft Teams is the teleconferencing platform used by the New York State Unified Court System. Teams can be accessed via desktop app on Windows, MacOS, or Linux; through a compatible web browser such as Microsoft Edge or Google Chrome; or via mobile app. **All parties and counsel are responsible for ensuring their systems are functional and compatible with Microsoft Teams in advance of the hearing date.** More information is available at <https://www.microsoft.com/en-us/microsoft-365/microsoft-teams/download-app>
- c. **Interested Parties seeking Guardianship post Initial Filing:** If an interested party wishes to be considered as Guardian, they shall filed a cross-petition in accordance with Mental Hygiene Law § 81.
- d. **Attendance of AIP at Remote Conference:** Petitioner's attorney shall be responsible for ensuring the Alleged Incapacitated Person ("AIP") has the capability to appear via Microsoft Teams on the hearing date unless the AIP's appearance has been previously waived.
- e. **Applications for Adjournment:** Applications for an adjournment may be made by all parties and the Court Evaluator/Attorney for the AIP, as well as approved by the Court prior to the date the matter appears on the calendar. All applications for adjournment must indicate whether the Alleged Incapacitated Person will suffer any harm by the adjournment. Please contact the Part via email to discuss available adjourn dates before making the Application.
- f. **Report of the Court Evaluator** shall be emailed to the Part email: judgeknobelremote@nycourts.gov at least two (2) days prior to the return date of the Order to Show Cause. The Report of Court Evaluator SHOULD NOT be shared with the parties without prior authorization from the Court. If this matter is an e-filed case, the Court Evaluator SHOULD NOT e-file the Report prior to the hearing.
- g. **Affidavits of Service** of the Order to Show Cause must be filed with the Guardianship Department or e-filed no later than ten (10) days prior to the return date of the Order to Show Cause.
- h. **Requests for an in-person hearing** must be made to Part email: judgeknobelremote@nycourts.gov no later than ten (10) days prior to the return date of the Order to Show Cause.

- i. **Requests for a language interpreter** must be made to the Part email: judgeknobelremote@nycourts.gov at least seven (7) days prior to the return date of the Order to Show Cause.

III. Secondary Appointment Requests

- a. All requests for secondary appointments must use the appropriate form provided by the Guardianship Clerk's Office. The Guardianship Clerk's Office can be reached at (516) 493-3121.
- b. All proposed appointees should be on the Part 36 Fiduciary List for the specific category of appointment. If the proposed appointee is not, the requesting party must provide a compelling reason for the non-Part 36 appointment.

IV. Communications with Chambers

- a. All communications with chambers shall be made via email to JudgeKnobelRemote@nycourts.gov. All emails must contain in the subject line: (1) the index number; (2) title of the action; (3) quick reference to subject of the email (e.g. Discovery Issue, Adjournment Request etc.). All parties must be included in the email as a direct recipient. **Do not assume that communications through NYSCEF will be seen by chambers.**
- b. All parties should be included on emails to the Court.
- c. The Court will never accept *ex parte* communications on any substantive issue nor will the Judge or any staff member read such communications.
- d. When seeking an adjournment, the parties should have at least three (3) proposed adjournment dates regardless of the adjournment being agreed upon or contested.
- e. **DO NOT EMAIL JUDGE KNOBEL DIRECTLY BUT YOU MAY EMAIL THE LAW CLERK AND SCERETARY.**
- f. Faxes are not permitted for any purposes.
- g. Adjournment requests that are left on Chamber's voicemail shall be disregarded. All requests must be made in accordance with the Part rules stated above.
- h. The Court should not be included on emails or communications between the parties. The only communications sent to Chambers shall be for making requests outlined in the rules of this Part.