

HON. BERNICE DAUN SIEGAL

New York State Supreme Court – Queens County – Guardianship Part 8G

TEMPORARY RULES DURING COVID-19

88-11 Sutphin Blvd.

Courtroom 48

Jamaica, NY 11435

Court Room Telephone: (718) 298-1172

Part Email: QSCPART8@nycourts.gov

Prin. Law Clerk: Rebecca Lebowitz

Secretary: Margaret Steinman

Virtual Courtroom: <https://tinyurl.com/QSCPart8>

General Rules

All Counsel must appear for all calendared matters unless specifically excused.

No telephone inquiries concerning motions or applications may be made to Chambers.

Telephone calls regarding Orders and Procedures are to be directed to the Guardianship Office at (718) 298-1040.

All scheduling and calendar matters shall be brought to the attention of the Secretary of Part 8G at (718) 298- 1080.

Copies of correspondence between counsel should not be sent to the Court as same will not be placed in the Court's file.

I. Order 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 QSCPART8@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 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.mirocrosoft.com/en-us/microsoft-365/microsoft-teams/download-app>

- C) *Attendance of AIP at Remote Conference:* Arrangements must be made to ensure 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 through Counsel in writing. **If the AIP requires the assistance of an interpreter to participate in the hearing, the Petitioner must notify the Court seven (7) days prior to the hearing date.**
- D) *Adjournment by Stipulation:* Applications for adjournments must be by stipulation signed by all parties and the Court Evaluator and Attorney for the AIP (if any), as well as approved by the Court prior to the date the matter appears on the calendar. All stipulations of adjournment must indicate whether the Alleged Incapacitated Person will suffer any harm by the adjournment. Please contact the Part via email – QSCPART8@nycourts.gov or the Part Clerk at (718) 298-1080 to discuss available adjourn dates before entering the Stipulation.
- E) The Report of the Court Evaluator shall be emailed to QSCPART8@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. If the matter has not been converted to e-file, the original Report of Court Evaluator shall be mailed, or hand delivered to the Guardianship Department for Filing.
- F) *Affidavits of Service of the Order to Show Cause* must be filed with the Guardianship Department or by e-file no later than ten (10) days prior to the return date.
- G) If any of the parties require the assistance of an interpreter to participate in the hearing, you must notify the Court seven (7) days prior to the hearing date.

II. Motions

- A) *Motion Date:* All Motions/Petitions other than to appoint a Guardian are heard on Thursdays at 9:30 A.M. Please contact the part via email QSCPART8@nycourts.gov for the next available motion date. The motion calendar will be called remotely in a Microsoft Teams meeting and can be accessed at <https://tinyurl.com/QSCPpart8> . All parties and counsel are responsible for ensuring their systems are functional and compatible with Microsoft Teams in advance of the motion date. See Rule I (B) for more information.

- B) *Notice of Motion*: The Notice of Motion **MUST** indicate that the return date will be a virtual appearance for 9:30 A.M. and **MUST** include the link to the motion calendar on the first page (<https://tinyurl.com/QSCPart8>).
- C) *Contact Information for Interested Parties*: The movant/movant's attorney **MUST** also submit the Guardianship Motion Submission Form providing a list of email address for the parties required to receive notice, including all pro-se parties, to the part via email - QSCPART8@nycourts.gov seven (7) days prior to the return date of the motion. (See Form below).
- D) *Waiver of Appearance for Pro se/ Self-Represented Litigants*: If pro-se parties do not oppose the relief requested and are unable to appear virtually, a signed, notarized waiver must be filed with the Court prior to the return date via email - QSCPART8@nycourts.gov .
- E) *Petitions for the Sale of Real Property* must include the publication provision pursuant to Real Property Actions and Proceedings Law ("RPAPL") § 1722. The publication must include a provision that directs any potential bidders to provide his/her/its email address to the Part via email – QSCPART8@nycourts.gov – at least five (5) days prior to the return date of the Order to Show Cause. Petitions for the sale of real property must also include a provision for the appointment of an appraiser to be appointed by the court.

III All Other Filings

- A) **All Proposed Orders in E-Filed Cases MUST be E-filed.** After E-filing a proposed order, Counsel must send an email to GUARDIANSHIPQUEENS@nycourts.gov to alert them to the filing. The email should include the AIP/IP's name, the index number of the matter and the NYSCEF document number of the proposed order.
- B) **All other filing on cases not yet converted to E-File should be mailed to the courthouse, Attention: Guardianship Department. NO FILING SHALL BE MAILED DIRECTLY TO CHAMBERS.**

Guardianship Motion Submission form

**GUARDIANSHIP MOTION SUBMISSION FORM -HON. BERNICE D. SIEGAL
PART 8**

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF QUEENS

-----X Index Number:
In the matter of

-----X
I, _____, (the movant/cross-movant/attorney for
movant/cross-movant), do attest the following:

___ All parties have been served with the motion papers.

The Return Date for the motion as noticed is _____

___ No opposition has been received OR ___ Opposition has been received by _____

___ Reply has been received/served by _____

___ Adjournment on consent requested [Counsel must submit Stipulation]

Contact information for movant/cross-movant AND all parties served with this motion:

<i>Name</i>	<i>Party Representing</i>	<i>E-Mail Address</i>
-------------	---------------------------	-----------------------

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

******THIS FORM MUST BE EMAILED TO – QSCPART8@NYCOURTS.GOV – NO LATER THAN SEVEN (7) DAYS PRIOR TO THE RETURN DATE OF THE MOTION. ******

******FAILURE TO SUBMIT THIS FORM TO THE PART WILL RESULT IN THE MOTION BEING MARKED OFF THE CALENDAR. ******