

## **ADMINISTRATIVE ORDER**

By the authority vested in us, respectively, as Presiding Justice of the Appellate Division, First Department and as Administrative Judge of the Supreme Court, Civil Branch, New York County, we issue this Administrative Order and order and direct as follows:

- 1) The Supreme Court, Civil Branch, New York County shall establish a Compliance Part for guardianship matters. The purpose of this Part is to assist the Justices to whom guardianship matters are assigned to monitor compliance, in an active and effective manner, with the statutory requirements concerning such matters, particularly those regarding expeditious receipt of the commission of the guardian and timely filing of initial, annual and final reports, so as to assure the well being of the incapacitated person and the conservation and protection of the assets of such person.
- 2) The Guardianship and Fiduciary Services Office of the court (“the Office”) shall develop administrative procedures to assist in monitoring compliance with statutory requirements. The Office, both independently and in consultation with or upon the referral by the assigned Justice and/or the assigned court examiner, shall identify matters in the respective Guardianship Parts where a guardian’s timely compliance with the statutory requirements has not occurred or may not be occurring. As such matters are identified, the Office shall prepare a list or calendar thereof for each of the respective Guardianship Parts (“the Compliance Calendar”) on a schedule substantially equivalent to the following.
- 3) Within the first five days of each month, the Office will send a Compliance Calendar to each of the Guardianship Parts.
- 4) A Compliance Conference shall be scheduled for all matters appearing on the respective Compliance Calendars. The conference shall be conducted by either the assigned Justice or, if the Justice so designates, by a Referee in the Compliance Part. The Justices shall notify the Compliance Part, in writing, by the 10<sup>th</sup> day of each month if they will schedule and conduct the Compliance Conferences themselves. In all instances in which the Justices do not notify the Compliance Part by the 10<sup>th</sup> day of the month, the Referee shall schedule and conduct the Compliance Conferences.
- 5) The Compliance Conference will result in a written Compliance Conference Order that will specify the actions the guardian must take to remedy the noncompliance and the dates by which those actions must be taken.
- 6) If the Referee schedules a Compliance Conference and the guardian fails to appear

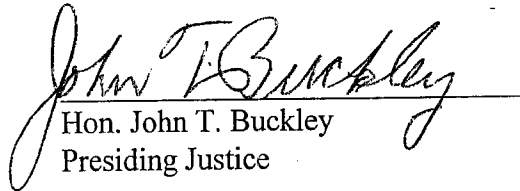
and/or the guardian has failed to comply with a previous Compliance Conference Order or with the appointing order or any requirement of Article 81 of the Mental Hygiene Law, or if a Guardianship Justice refers a matter to the referee after the Justice has conducted a Compliance Conference, the Referee shall notice the matter for a hearing, to hear and report, on the extent of the guardian's noncompliance, whether sanctions should be imposed against the guardian and other related issues.

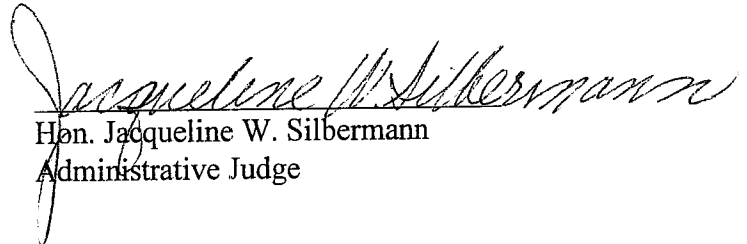
7) The Administrative Judge will designate an attorney or attorneys on the staff of the court to serve as Referee in the Compliance Part.

8) The establishment of a Compliance Part and the scheduling of Compliance Calendars shall not in any way detract from or affect the court's authority to remove a guardian, upon motion made by the assigned court examiner or any other person entitled to commence a proceeding under Article 81 of the Mental Hygiene Law, when the guardian fails to comply with an order, is guilty of misconduct or for any other just cause.

Dated: New York, New York

August 10<sup>th</sup>, 2005

  
Hon. John T. Buckley  
Presiding Justice

  
Hon. Jacqueline W. Silbermann  
Administrative Judge