

SAMPLE INFANTS COMPROMISE ORDER

Note: This is not an official form. It is provided for guidance purposes only.

At Part 18 of the Supreme Court of The State of New York, held in and for the County of Kings, at the Courthouse located at 360 Adams Street, County of Kings, City and State of New York, on the ____ day of _____, 20__.

P R E S E N T: Honorable Gina Abadi
Justice of the Supreme Court

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Index No:

_____ (π), an Infant by their Parent and Natural Guardian, _____ (parent) and _____ (parent), Individually,

Infants Compromise Order

Plaintiff(s),

- against -

_____ (Δ1), _____ (Δ2)

Defendant(s).

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Upon reading and filing the affidavit of _____, parent and natural guardian of the Infant-Plaintiff _____, duly sworn to on the ____ day of _____, 20__, the affirmation of _____, Esq., attorney for Plaintiffs, dated the ____ day of _____, 20__ and the affirmation of _____, M.D., dated the ____ day _____, 20__, and the exhibits attached hereto,

AND, it appearing that the infant, _____ is now _____ years of age, having been born on _____, 20____, and the infant, the parent and natural guardian and the attorney having appeared before me on the _____ day of _____, 20____, and it appearing that the best interests of the infant will be served, and upon all the papers, pleadings and proceedings heretofore had herein,

NOW, on the motion of _____, Esq., attorney for the plaintiffs, it is

ORDERED, Pursuant to 22NYCRR§202.5(e)(2), the Court, *sua sponte*, finds good cause to permit the inclusion of the infant's full name and date of birth in the papers submitted in support of the infant compromise order.

ORDERED, that this action shall be settled for the total sum of \$_____, [\$_____ to be paid by defendant _____(Δ1) and \$_____ to be paid by defendant _____(Δ2),]; and it is further,

ORDERED, that _____(*parent*), as parent and natural guardian of the infant plaintiff, _____, be and hereby is authorized to enter into a compromise and settlement of the within action in the total sum of \$_____, and to deliver and execute releases and any and all documents necessary to effectuate the herein settlement in compliance with the terms and conditions of this Order; and it is further

ORDERED, that out of the total sum of \$_____ , defendant be and is hereby directed to pay the sum of \$_____ to the order of _____, Esq. in full settlement of the attorneys claim for

compensation, inclusive of disbursements [\$_____ to be paid by defendant _____(Δ1) and \$_____ to be paid by defendant _____(Δ2),]; and it is further

ORDERED, that the balance, to wit, the sum of \$_____ shall be paid by the defendant to and received by the said parent and natural guardian of the infant to be held for the sole use and benefit of the said infant, jointly with an officer of _____ Bank located at _____, to be deposited in said bank in an account bearing the highest interest rate available for a term to be determined by the parent and natural guardian in the name of the said guardian to the credit of the said infant, subject to the further order of this Court; and it is further

ORDERED, that time deposit accounts shall be subject to renewal upon maturity, at the highest interest rate available, at all times funds are on deposit except that the date of maturity shall not extend beyond the date when said infant attains the age of 18 years; and it is further

ORDERED, that no withdrawals shall be made from the said account before the infant reaches the age of 18 years, except upon further order of this Court, and it is further

ORDERED, that said depository wherein the proceeds of such compromise and settlement shall be held, shall pay over all monies held in the account to the infant, upon demand and without further court order, when the infant reaches the age of 18 years upon presentment of proper proof thereof to such depository; and it is further

ORDERED, that said depository is authorized and directed to maintain at least 100% of said fund in a form of deposit in said depository continuously renewed upon maturity at the highest rate of interest then available, providing that said fund shall not be in such a form that it will not be available to said infant when he attains the age of 18 years; and it is further

ORDERED, that the attorney for the plaintiff shall serve a copy of this Order upon said depository, shall arrange for the deposit of the funds, and shall advise the Clerk of the Court by letter that the same has been done, all within 90 days from the date hereof; and it is further

ORDERED, that the cause of action for loss of services and/or medical expenses for the parent and natural guardian, the same having been waived by said parent and natural guardian, be and the same hereby is dismissed without costs and with prejudice; and it is further

ORDERED, that the making and filing of a bond be and hereby is dispensed with.

E N T E R:

Hon. Gina Abadi
J.S.C.