

SAMPLE INFANTS COMPROMISE ORDER (STRUCTURED SETTLEMENT) WITH
MONEY DEPOSIT INTO BANK

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 -

_____($\Delta 1$), _____($\Delta 2$)

Defendant(s).

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Upon reading and filing the affidavit of *parent*, mother and natural guardian of the
Infant-Plaintiff AB, duly sworn to on the ____ day of _____, 2022, 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, _____(π) is now ____ years of

age, having been born on _____, 20___, and the Infant, the mother 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, _____(*π*), be and hereby is authorized to enter into a structured settlement of the within action, pursuant to the terms set forth herein, and to execute releases and any and all documents necessary to effectuate the aforesaid structured settlement; 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 attorney's 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 _____ Insurance Company shall arrange to purchase from _____ Life Insurance Company, which is organized under the laws of the State of _____, licensed to do business in the State of New York, and rated no less than A+ from A.M. Best Company, an annuity which will pay to Infant-Plaintiff AB, or his/her designated beneficiary, the following sums:

1. \$ _____ on the _____ day of _____, 20_____

2. \$ _____ on the _____ day of _____, 20_____

etc.; and it is further,

ORDERED, that in the event of the death of Infant-Plaintiff _____ (π), on or prior to the date of the last guaranteed payment, all of the aforesaid sums shall be paid to the estate of Infant-Plaintiff _____ (π), the Infant-Plaintiff or his/her designated beneficiary in the same amount and in the same manner as hereinbefore set forth; and it is further,

ORDERED, that in addition to the contractual obligations of _____ Life Insurance Company issuing the aforesaid annuity, all payments required to be made pursuant to this Order shall be guaranteed in writing by _____ Insurance Company located at _____; and it is further

ORDERED, that the payments above mentioned are to be paid by mailing the same as follows: _____

_____ (Name and address of Infant-Plaintiff);

and it is further,

ORDERED, that it shall be the obligation of the Life Insurance Company, which is the payor of the payments of the within structured settlement, to verify at least annually the mailing address of the Infant-Plaintiff and/or the designated payee of the payments hereunder; and it is further

ORDERED, that the defendant shall furnish evidence to Infant-Plaintiffs' attorney of the issuance of an appropriate annuity policy to effectuate the structured settlement set forth hereinbefore within thirty (30) days from the date hereof; and it is further

ORDERED, that the balance of the settlement amount, the sum of \$_____ be and hereby is directed to be paid to _____ (*parent*), as parent and natural guardian of the infant plaintiff, jointly with an officer of the _____ Bank located at _____, said sum to remain on deposit in an interest bearing account paying the highest allowable rate of interest in the name of _____ (*parent*), as parent and natural guardian of the infant plaintiff, to the credit of said infant; 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 bank 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