

# ***PART 26. Filing Of Statements***

---

- 26.1 General
- 26.2 Filing of statements by judges
- 26.3 Fixing amount of compensation
- 26.4 Request for information regarding filed statements

## **Section 26.1 General.**

(a) This section applies to any appointments made by a court including but not limited to appraiser, special guardian, guardian ad litem, guardian, referee, counsel, special referee, special examiner, conservator, committee of incompetent, court evaluator or counsel for an incapacitated person appointed pursuant to article 81 of the Mental Hygiene Law, or receiver, and in connection with which fees of more than \$500 for the services performed have been awarded.

(b) This section shall not apply to attorneys appointed to a court to represent indigent persons pursuant to article 18-B of the County Law, section 35 of the Judiciary Law, or section 407 of the Surrogate's Court Procedure Act, or to law guardians appointed pursuant to the Family Court Act; but in the case of referees or court examiners appointed pursuant to section 78.25 or 81.32 of the Mental Hygiene Law, a statement shall be filed with the Administrative Office of the Courts, annually, by the judge or special referee who approved compensation for those services.

### **Historical Note**

Sec. repealed, new filed Feb. 2, 1982; amds. filed: Sept. 24, 1993; Oct. 18, 2000; April 2, 2002; Nov. 22, 2002 eff. June 1, 2003. Amended (a)-(b), repealed (c).

## **Section 26.2 Filing of statements by judges.**

Any judge or justice who has approved compensation of more than \$500 to a court appointee shall file with the administrative office for the courts, on the first business day of the week following approval, a statement of compensation on a form authorized by the Chief Administrator of the Courts.

### **Historical Note**

Sec. repealed, new filed Feb. 2, 1982; amds. filed: Oct. 18, 2000; Nov. 22, 2002 eff. June 1, 2003.

## **Section 26.3 Fixing amount of compensation.**

The judge or justice approving compensation shall certify that the compensation approved is fixed by statute or, if not, is a reasonable award for the services rendered by the appointee. If the fee for services performed is fixed by statute, the judge or justice shall specify the statutory fee and the section of the statute authorizing the payment of the fee.

### **Historical Note**

Sec. repealed, new filed Feb. 2, 1982; amd. filed Sept. 24, 1993; repealed, new added by renum. 26.4, filed Nov. 22, 2002 eff. June 1, 2003.

## **Section 26.4 Request for information regarding filed statements.**

A request for information regarding a filed statement must be made, in writing, to the Office of Court Administration, Appointment Processing Unit, 25 Beaver Street, 8<sup>th</sup> Floor, New York, New York 10004 or via email to [part36@nycourts.gov](mailto:part36@nycourts.gov), specifying the information desired.

### **Historical Note**

Sec. amd. filed Oct. 23, 1973; repealed, new filed Feb. 2, 1982; renum. 26.3, new added by renum. and amd. 26.5, filed Nov. 22, 2002 eff. June 1, 2003.

Amended on October 21, 2022