

FAMILY COURT OF THE STATE OF NEW YORK  
COUNTY OF

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Proceeding for the Appointment of a  
Standby Guardian of the Person

Docket No.

of

PETITION  
(Appointment of  
Standby Guardian)

\_\_\_\_\_, a Minor

.....

TO THE FAMILY COURT:

The Petitioner respectfully alleges to this Court that:

1. The name and domicile of the Petitioner and relationship of the Petitioner to the child who is the subject of this proceeding, are as follows:

Name:

Relationship to child [check applicable box]:

mother     father     guardian     legal custodian     primary caretaker

Address [Include street, city, village or town, county and state]:

2. The name, date of birth and domicile of the child who is the subject of this proceeding are as follows:

Name:

Date of Birth:

Address: [Including street, city, village or town, county and state]

3. The subject child (is)(is not) a Native American child subject to the Indian Child Welfare Act of 1978 (25 U.S.C. §§ 1901-1963).

4. The residence of the child and name and relationship of the person(s) with whom the child resides are as follows:

Person with whom child resides [specify name]:

Relationship to child [check applicable box]:

mother     father     guardian     legal custodian     primary caretaker

Address [Include street, city, village or town, county and state]:

5. This petition seeks appointment of a Standby Guardian of the person of the child who is the

subject of this proceeding, to become effective upon the petitioner's (incapacity) (death) (incapacity or death, whichever occurs first).<sup>1</sup>

6. On information and belief, petitioner suffers from a progressively chronic or fatal illness. The source of information and basis for belief are:

7. The religion of the child is

8. The names, relationship and post office addresses of the child's parent(s), the name and address of the person(s) with whom the child resides, if other than the parent(s), to whom process should issue; and such other persons concerning whom the court is required to have information, are as follows: (If a parent is deceased, so allege)

<u>Relationship</u>	<u>Name</u>	<u>Post Office Address</u>
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Mother:

Father:

Person with whom  
Child resides, if  
other than parents:

Other:<sup>2</sup>

9. To protect and preserve the legal rights of the child, it is necessary that some proper person be duly appointed the Standby Guardian of (his)(her) person, because:

10. (Upon information and belief) No Guardian pursuant to Section 383-c, 384 or 384-b of the Social Services Law, or Standby Guardian pursuant to section 1726 of the Surrogate's Court Procedure Act, has been previously appointed for the child except [specify]:

11. (a). Petitioner (has)(does not have) knowledge that the person nominated to be a

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<sup>1</sup> S.C.P.A. Section 1726(3)(I); delete inapplicable provisions.

<sup>2</sup>Include Mental Hygiene Legal Services if child is a mentally retarded or developmentally disabled person admitted to a facility.

standby guardian herein is the subject of an indicated report, as such term is defined in Section 412 of the Social Services Law, filed with the statewide register of child abuse and maltreatment pursuant to Title Six of Article Six of the Social Services Law. If so, specify date, status and circumstances to the extent known:

(b). Petitioner (has)(does not have) knowledge that the person nominated to be a standby guardian] herein is the subject of or the respondent in a child protective proceeding commenced under Article Ten of the Family Court Act. If so, specify whether proceeding resulted in an order finding that the child is an abused or neglected child, date and status to the extent known:

(c). Petitioner (has)(does not have) knowledge that an Order of Protection or Temporary Order of Protection (has)(has not) been issued against the person nominated to be a guardian herein in any criminal, matrimonial or Family Court proceeding(s). If such an order has been issued, specify the court, docket or index number, date of order, expiration date or order, next court date and status of case to the extent known:

12 (a). The following adults aged 18 or older reside with the proposed guardian:

<u>Name</u>	<u>Relationship, if any, to Child</u>	<u>Date of Birth</u>
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(b). Upon information and belief, (none of the above adults) (the following adult(s)[specify]:  
) (is)(are) the subject of an indicated report, as such term is defined in Section 412 of the Social Services Law, filed with the statewide register of child abuse and maltreatment pursuant to Title Six of Article Six of the Social Services Law. If so, specify date, status and circumstances to the extent known:

(c). Upon information and belief, (none of the above adults) (the following adult(s)[specify]:  
) ( has) (have) been the subject of or the respondent in a child protective proceeding commenced under Article 10 of the Family Court Act. If so, specify whether proceeding resulted in an order finding that the child is an abused or neglected child, date and status to the extent known:

(d). Upon information and belief, an Order of Protection or Temporary Order of Protection (has)(has not) been issued against any of the above adults in any criminal, matrimonial or Family Court proceeding(s). If such an order has been issued, specify the adult against whom the order was issued, the court that issued the order, docket number, date of order, expiration date of order, next court date and status of case to the extent known:

13. \_\_\_\_\_, residing at \_\_\_\_\_, whose

religion is \_\_\_\_\_ would be a suitable and proper person to be appointed Standby Guardian of the person of the Child, in that:

14. Attached hereto is the consent of the proposed Standby Guardian to being appointed Standby Guardian of the person of the child.

(15. [Delete if inapplicable]: The parent(s) of the child, although living, should not be appointed Standby Guardian of the person of the child because: \_\_\_\_\_).

16. There are no persons interested in this proceeding other than those here in above mentioned.

17. No prior application has been made to any court for the relief herein requested.

WHEREFORE, Petitioner respectfully requests that an order be entered appointing [specify]: \_\_\_\_\_ as Standby Guardian of the person of the child upon Petitioner's death (or incapacity, whichever occurs first). [Delete if inapplicable. See S.C.P.A. §1726(3)].

Dated:

\_\_\_\_\_  
Signature of Petitioner

\_\_\_\_\_  
Print or type name

\_\_\_\_\_  
Signature of Attorney, if any

\_\_\_\_\_  
Attorney's Name (Print or Type)

\_\_\_\_\_  
Attorney's Address and Telephone Number

VERIFICATION

STATE OF NEW YORK            )  
  ) ss.:  
COUNTY OF                            )

\_\_\_\_\_, being duly sworn, says that b(s)he is the Petitioner in the above-named proceeding and that the foregoing petition is true to (his)(her) own knowledge, except as to matters therein stated to be alleged on information and belief and as to those matters (s)he believes it to be true.

\_\_\_\_\_  
Petitioner

Sworn to before me this

day of , .

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(Deputy) Clerk of the court  
Notary Public