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STATE OF NEW YORK
SURROGATE'S COURT : COUNTY OF

Proceeding for the Appointment of a
Guardian for

Pursuant to SCPA Article 17-A

**AFFIRMATION OF
EXAMINING PHYSICIAN**

STATE OF NEW YORK)
COUNTY OF) ss.:

I, _____, under penalty of perjury, affirm as follows:

(Please answer all questions.)

① I am a physician duly licensed to practice medicine in the State of New York. My license number is: _____.

② My offices are located at: _____, _____, _____, _____.
Street City State Zip

③ My professional knowledge and/or background in the care and treatment of people with
 Mental Retardation Developmentally Disabilities is as follows:

④ I have examined Ward on: *(Set forth dates. You must have examined Ward within one year of filing the Petition for Appointment of Guardian papers.)*

⑤ Check the appropriate box(es) and give explanations when needed.
 I have performed the following tests or evaluations on Ward. *(Set forth in detail the names of tests and/or evaluations, dates performed and results.)*

I have reviewed the following tests or evaluations performed on Ward. *(Set forth in detail the names of tests and/or evaluations, dates performed, results and the names of the doctors who performed the tests and/or evaluations.)*

⑥ The mental and physical condition of Ward is as follows: *(Describe in detail.)*

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Based upon the foregoing, it is my conclusion that Ward is: *(Check the appropriate box(es).)*

- Mentally Retarded and, in my opinion, incapable of managing himself/herself and/or his/her affairs by reason of mental retardation. The nature and degree of the mental retardation is as follows:

- Developmentally Disabled and, in my opinion, he/she has an impaired ability to understand and appreciate the nature and consequences of decisions, which results in Ward being incapable of managing himself/herself and/or his/her affairs by reason of developmental disability, and whose disability is attributable to:

- a. Cerebral palsy, which originated before Ward attained the age of twenty-two. *(Describe in detail the nature, degree and origin of the disability.)*

- b. Epilepsy, which originated before Ward attained the age of twenty-two. *(Describe in detail the nature, degree and origin of the disability.)*

- c. Neurological impairment, which originated before Ward attained the age of twenty-two. *(Describe in detail the nature, degree and origin of the disability.)*

- d. Autism, which originated before Ward attained the age of twenty-two. *(Describe in detail the nature, degree and origin of the disability.)*

- e. Traumatic head injury. *(Describe in detail the nature, degree and origin of the disability.)*

- f. A condition, which originated before Ward attained the age of twenty-two, found to be closely related to mental retardation, because such condition results in similar impairment of general intellectual functioning or adaptive behavior to that of mentally retarded persons. *(Describe in detail the condition and the nature, degree and origin of the disability.)*

- g. Dyslexia resulting from a disability described in subdivision "a" through "f" or mental retardation, which condition originated before Ward attained the age of twenty-two. *(Describe in detail the nature, degree and origin of the disability or mental retardation.)*

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Check the appropriate box.

- The condition of Ward is permanent in nature or likely to continue indefinitely.
- The condition of Ward is not permanent in nature nor likely to continue indefinitely.

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Check the appropriate box.

- There are no circumstances warranting Ward's nonappearance at the hearing required by the court.
- Ward's presence at the hearing should be dispensed with because he/she is medically incapable of being present to the extent that attendance is likely to result in physical harm to Ward. *(Explain in detail.)*

- Ward's presence at the hearing should be dispensed with for the following reasons. *(Set forth the facts and circumstances which would result in the court finding that Ward's presence at the hearing would not be in his/her best interest.)*

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Complete the following statement for a mentally retarded person. Based upon the foregoing, it is my conclusion that Ward is not is capable of understanding and appreciating the nature and consequences of health care decisions, including the benefits and risks of and alternatives to any proposed health care, and of reaching an informed decision in order to promote his/her own well being. A health care decision may include a decision to withhold or withdraw life-sustaining treatment as defined in subdivision (e) of Section 81.29 of the Mental Hygiene Law.

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Complete the following statement for a developmentally disabled person. Based upon the foregoing, it is my conclusion that Ward

- has a developmental disability, as defined in Section 1.03 of the Mental Hygiene Law, which includes mental retardation, or results in a similar impairment of general intellectual functioning or adaptive behavior so that such person is incapable of managing himself or herself, and/or his or her affairs by reason of such developmental disability, and that Ward is not capable of understanding and appreciating the nature and consequences of health care decisions, including the benefits and risks of and alternatives to any proposed health care, and of reaching an informed decision in order to promote his/her own well being. A health care decision may include a decision to withhold or withdraw life-sustaining treatment as defined in subdivision (e) of Section 81.29 of the Mental Hygiene Law.
- is capable of understanding and appreciating the nature and consequences of health care decisions, including the benefits and risks of and alternatives to any

proposed health care, and of reaching an informed decision in order to promote his/her own well being. A health care decision may include a decision to withhold or withdraw life-sustaining treatment as defined in subdivision (e) of Section 81.29 of the Mental Hygiene Law.

Dated: _____, 20

Signature

Print name