

Supreme Court of the State of New York
Appellate Division: Second Judicial Department

D32890
C/kmb

_____AD3d_____

Argued - October 24, 2011

PETER B. SKELOS, J.P.
RUTH C. BALKIN
JOHN M. LEVENTHAL
PLUMMER E. LOTT, JJ.

2010-08518

DECISION & ORDER

In the Matter of Adam J. (Anonymous), appellant;
Gwendolyn J. (Anonymous), respondent.

(Index No. 17946/09)

Lesley M. DeLia, Mental Hygiene Legal Service, Mineola, N.Y. (Felicia B. Rosen
and Dennis B. Feld of counsel), for appellant.

Terry E. Scheiner, Port Washington, N.Y., for respondent.

In a proceeding pursuant to Mental Hygiene Law article 81 to appoint a guardian for the personal needs and property management of Adam J., an alleged incapacitated person, Adam J. appeals from a judgment of the Supreme Court, Queens County (Thomas, J.), entered July 16, 2010, which, after a hearing, granted the petition and appointed co-guardians for his personal needs and property management.

ORDERED that the judgment is affirmed, without costs or disbursements.

The petitioner demonstrated that the appointment of a guardian for Adam J., the alleged incapacitated person, was necessary to provide for his personal needs and to manage his property and financial affairs (*see* Mental Hygiene Law § 81.02[a][1]). The petitioner further established, by clear and convincing evidence, that Adam J. was likely to suffer harm because he was unable to provide for his personal needs and property management, and to adequately understand and appreciate the nature and consequences of such inability (*see* Mental Hygiene Law § 81.02[a][2]; § 81.02[b]). Accordingly, the Supreme Court properly appointed Adam's mother and sister Rita as

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co-guardians of his property and his two sisters as co-guardians of his personal needs (*see* Mental Hygiene Law § 81.02[b]).

SKELOS, J.P., BALKIN, LEVENTHAL and LOTT, JJ., concur.

ENTER:


Matthew G. Kiernan
Clerk of the Court