

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

D36286
N/hu

____AD3d____

Argued - September 20, 2012

RANDALL T. ENG, P.J.
PETER B. SKELOS
PLUMMER E. LOTT
JEFFREY A. COHEN, JJ.

2012-00432

DECISION & ORDER

In the Matter of Barbara S. (Anonymous), appellant;
Lenora S. (Anonymous), respondent.

(Index No. 11460/11)

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

Enea, Scanlan & Sirignano, LLP, White Plains, N.Y. (George A. Sirignano, Jr., and Sara Meyers of counsel), for respondent.

In a proceeding pursuant to Mental Hygiene Law article 81 to appoint a guardian for the personal needs and property management of Barbara S., an alleged incapacitated person, Barbara S. appeals from an order and judgment (one paper) of the Supreme Court, Westchester County (DiBella, J.), entered December 7, 2011, which, after a hearing, granted the petition and appointed a guardian for her personal needs and property management.

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

The petitioner demonstrated that the appointment of a guardian for Barbara S., the alleged incapacitated person, was necessary to provide for her personal needs and to manage her property and financial affairs (*see* Mental Hygiene Law § 81.02[a][1]; *Matter of Adam J. [Gwendolyn J.]*, 89 AD3d 943, 944; *Matter of Barbara P. [Doar]*, 72 AD3d 827, 827-828; *Matter of Ardelia R.*, 28 AD3d 485, 486). The petitioner further established, by clear and convincing evidence, that Barbara S. was likely to suffer harm because she was unable to provide for her personal needs and management of her property, and could not adequately understand and appreciate the nature and consequences of such inability (*see* Mental Hygiene Law § 81.02[b][1], [2]).

October 24, 2012

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MATTER OF S. (ANONYMOUS), BARBARA

Accordingly, the Supreme Court properly appointed Barbara S.'s sister as guardian for Barbara S.'s personal needs and property management (*see Matter of Adam J. [Gwendolyn J.]*, 89 AD3d at 944; *Matter of Barbara P. [Doar]*, 72 AD3d at 827; *Matter of Ardelia R.*, 28 AD3d at 486; *Matter of Margaret K.*, 17 AD3d 466).

ENG, P.J., SKELOS, LOTT and COHEN, JJ., concur.

ENTER:


Aprilanne Agostino
Clerk of the Court