

Guardianship Proceeding Checklist Person Only

(see Surrogate's Court Form G-2A, rev. 12/6/00)

This Checklist is provided for your convenience while completing the petition and the checklist should not be returned to the Court.

**Fill in All Areas On All Pages - Also Mark When Not Applicable When Necessary
Check All Forms To Make Sure Venue Is Correct - Appropriate County Is Listed**

PET ¶ #	DESCRIPTION	YES	NO
	Does the Court have jurisdiction over the subject infant [see SCPA §1702]?		
<i>NOTE: The infant must be domiciled in the county, have sojourned in the county immediately preceding the application for guardianship, or if a non-domiciliary of the state, must have property situate in the county.</i>			
	Is the captioned name the same as the birth certificate and ¶2 of petition?		
1.	<p>Is the petitioner a proper party? [see SCPA §1703]</p> <p>Is the petitioner ...</p> <ul style="list-style-type: none"> the infant, if over fourteen (14) years of age a parent a person with whom the infant resides the public administrator or chief fiscal officer (where no one else is available to act as guardian of the property; would not act as guardian of the person) any other person representing the interest of the infant <p>Has all required information been provided? [name, telephone #, permanent address (mailing address), date of birth and relationship]</p> <p>Are all A/K/A's listed?</p>		
2.	<p>Is the name of the infant in ¶2 the same as that listed on the birth certificate?</p> <p>Has all requested information been provided? [name, permanent address (mailing address), date of birth and marital status]</p> <p>Birth Certificate from official registrar (not hospital) to be filed with petition [see NYCRR §207.15(a)]</p> <p>Are all A/K/A's listed?</p>		
3.	<p>Check that names and addresses of <u>both</u> natural parents are listed.</p> <p>If infant is married-provide requested information [see SCPA §1704(2)]</p> <p>If one or both are deceased their names must still be shown and date of death noted. (Court may require copy of death certificate)</p>		
3. cont.	<p>If the name of the father is not shown on petition or birth certificate, determine if a proceeding has been brought to establish paternity. (Court may require copy of filiation order) [see page 4 - Comments & Court Notes]</p>		

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	<p><i>NOTE: If it is claimed that the identity of the father is unknown, the Court may require an affidavit showing diligent efforts to identify him.</i></p> <p><i>NOTE: If the natural mother was married at the time of infant's birth, there is a rebuttable presumption that her husband is the father of the infant and is a necessary party unless a filiation order has established otherwise. [see DRL §24(1)]</i></p>		
4.	List names/addresses of adults with whom infant resides if other than parent or name of agency having custody of infant.		
5.	If both parents are deceased, check that names and addresses of adult domiciliary distributees are listed. [see SCPA §1704(2)]		
6.	<p>Have the names and permanent addresses of the infant's grandparents been provided? [see SCPA §1705]</p> <p>If not applicable, so state.</p> <p>If deceased, add date of death.</p>		
7.	This paragraph is a sworn statement by petitioner.		
8a.	Verify that the infant has never had a guardian appointed.		
8b.	<p>Verify that custody of the infant has never been surrendered by any person and that no court order has ever awarded custody of the infant. If exceptions list information on petition and see note below.</p> <p><i>NOTE: Check that applicable copies of surrenders, court orders or divorce decrees have been attached.</i></p>		
9.	<p>Verify whether petitioner indicated knowledge that a person nominated to be a guardian, or any individual eighteen years of age or over who resides in the home of the proposed guardian:</p> <p>a. Is the subject of a report filed with the Statewide Central Register of Child Abuse and Maltreatment pursuant to the rules of Child Protective Services, following an investigation which determines that some credible evidence of alleged abuse or maltreatment exists and/or</p> <p>b. Has been the subject of, or the respondent in, a Child Protective Proceeding commenced pursuant to law, which proceeding resulted in an order finding that the child is an abused or neglected child.</p> <p><i>NOTE: If knowledge of a report is indicated, verify that an affidavit explaining circumstances in detail is included.</i></p>		
10.	<p>Check that Request for Information Guardianship form [OCFS 3909] has been submitted with petition and includes all persons over age of 18 in the household.</p> <p><i>NOTE: Some Courts may require submission of form DCJS-6, Fingerprint Card, for each proposed guardian in order to conduct a criminal record search.</i></p>		

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11.	Verify that the petitioner has indicated whether the child is or is not a Native American Child under the Indian Child Welfare Act of 1978 (25 U.S.C. sections 1901-1963).		
12.	This paragraph is a sworn statement that there are no other persons interested in this proceeding other than those already mentioned.		
13.	This paragraph is a sworn statement that no prior application has been made in any court for the relief requested in the petition.		
	Under WHEREFORE Clause: has all relief requested been checked and completed?		
	Is petition dated, signed, verified, properly notarized (including proper jurat and expiration date of notary's commission)?		
	Is oath and designation signed by proposed fiduciary?		
	Does it set forth proposed fiduciary's physical(street) address?		
	Is attorney's name, address and phone number listed? (Or if self-represented, add none.)		
	Has Part 130 Certification been completed?		
	If <u>NOT</u> , has a separate attorney certification as to Part 130 signing requirements been included?		
	Has Joinder and Statement of Preference of Infant Over 14 been included? [see SCPA §1706(1)]		
	Is the joinder dated, signed, verified, properly notarized (including proper jurat and expiration date of notary's commission)?		
If forms are computer generated, has a certification pursuant to Court Rules §207.4 been attached?			

FEE SCHEDULE	SCPA/EPTL § or Rule #
Have the proper fees been included with petition? \$20.00 for filing petition \$6.00 for each Certificate of Appointment.	2402

COMMENTS AND COURT NOTES	Form Number	SCPA/EPTL § or Rule #
When Permitted	Whenever the interests of an infant will be promoted by the appointment of a guardian of the person	1701

COMMENTS AND COURT NOTES		Form Number	SCPA/EPTL § or Rule #
Forms Always Required	<ul style="list-style-type: none"> •Petition for Guardianship •Birth Certificate •Affidavit of Proposed Guardian of the Person •Request for Information Guardianship Form 	G-2A G-3 OCFS-3909	1704 207.15(a) 1706(2)
Forms or Documents Sometimes Required	<ul style="list-style-type: none"> •Guardianship Citation •Affidavit of Parent •Waiver, Renunciation and Consent •Affidavit of Service •Affidavit of Due Diligence •Affidavit of Service (Personal/Mail/Publication) •Death Certificate of deceased spouse, distributee or parent •Copies of Divorce Decrees, Surrenders, Court Orders •Orders of Filiation •Fingerprint Card 	G-1 G-4 G-5 DCJS-6	1705 1705
<p>Proofs of Service of Citation must be filed with the Court at least two (2) working days before the return date.</p> <p>Some courts may conduct additional inquiries of Putative Father Registry. (Court submits inquiry form to Registry - NYS OCFS Form LDSS-2725,); some courts may also check if natural father has acknowledged being father in any other manner (possible sources of information may be Family Court, Department of Social Services, hospital of birth, local registrar and/or Department of Health).</p> <p>Guardian Ad Litem will be appointed on or before the return day of process for all unknowns and persons under disability (SCPA §403).</p> <p>Documents signed by Power of Attorney (Provide certified copy of POA and comply with Section 13-2.3 EPTL and 207.48 Uniform Rules).</p> <p>Check to be certain all documents are properly acknowledged.</p>			

THIS MATERIAL IS PROVIDED FOR INFORMATIONAL/TRAINING PURPOSES ONLY. – It is intended for use in conjunction with review of the applicable statutes and rules of the Surrogate’s Court and the Surrogate’s Court Operations Manual.