Surrogate's Court Checklists:

These checklists formulated by the Fourth Judicial District are supplied for your use in completing petitions of common proceedings filed in Surrogate's Court and for which there are official forms. A checklist works through each paragraph of any particular petition. It is anticipated that the 4JD Checklist Committee will annually update these forms so please contact the court for information as to which checklists may have been changed, corrected or added by the committee within the past year. **Your office should not submit checklists to Surrogate's Court when filing a proceeding.**

Probate Proceeding Checklist	(P-CHKLST release 2/22/07)	7 pages
Ancillary Probate Proceeding Checklist	(ANCP-CHK release 8/9/04)	4 pages
Administration c.t.a. (after probate) Proceeding Checklist	(Acta-CHKLST release 8/9/04)	4 pages
Administration Proceeding Checklist	(A-CHKLST release 2/22/07)	6 pages
Ancillary Administration Proceeding Checklist	(ANCA-CHK release 8/9/04)	4 pages
Administration d.b.n. Proceeding Checklist	(Adbn-CHKLST release 2/22/07)	5 pages
Voluntary Administration Checklist	(V-CHKLST release 2/22/07)	4 pages
Guardianship Proceeding Checklist Person Only	(G-CHKLST [person only] release 8/9/04)	4 pages
Guardianship Proceeding Checklist Person and/or Property	(G-CHKLST [person & prop] release 8/9/04)	5 pages
17-A Guardianship Proceeding Checklist of Mentally Retarded/Developmentally Disabled Person	(G17A-CHK release 2/22/07)	5 pages
17-A Guardianship Proceeding Checklist Standby Appointment/Confirmation	(G17A-CONF-STNDBY-CHK release 2/22/07)	4 pages
Standby Guardianship Proceeding Checklist	(STBY-GRDNSHP-CHKLST release 8/9/04)	7 pages
Wrongful Death Compromise Settlement Proceeding Checklist	(WDCS-CHK release 8/9/04)	5 pages
Informal Accounting with/without Decree Proceeding Checklist	(INF-ACTG-CHK release 8/9/04)	4 pages
Judicial Settlement of Account Proceeding Checklist	(JUD-ACTG-CHK release 8/9/04)	7 pages
Compulsory Accounting and Related Relief Proceeding Checklist	(COMP-ACTG-CHK release 8/9/04)	2 pages
Private Placement Adoption Proceeding Checklist	(PRIV-ADPTN-CHK release 2/22/07)	6 pages
Agency Adoption Proceeding Checklist	(AGNCY-ADPTN-CHK release 2/22/07)	5 pages

Probate Proceeding Checklist

(see Surrogate's Court Form P-1, rev. 2/08)

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

If the will was previously admitted to probate the petitioner should submit Administration c.t.a. form CTA-1.

Check All Forms To Make Sure Venue Is Correct - Appropriate County Is Listed
Fill In All Areas On All Pages of Petition - Also Mark When Not Applicable Where Necessary

PET ¶ #	DESCRIPTION	YES	NO
Is the captioned name the same as the signature on the Will and ¶2 of petition?			
If A/K/A's, are they listed in the caption and also under ¶2 of petition?			
Has the type of Letters been checked?			
1.(a)	**Is the name of each fiduciary the same as in Will?** If NO, does petitioner explain why?		
	Is the petitioner ... the nominated executor **alternate executor** **or person eligible under SCPA §1402 or 1418** (admin. c.t.a.)		
	NOTE: A Non-domiciliary alien is ineligible to be sole fiduciary (SCPA §707)		
1.(b)	**If an attorney and sole executor: has a statement been filed pursuant to Court Rules §207.16(e)?**		
1.(c)	**Has SCPA §2307-a been complied with?**		
2.(a)	**Is the name of the decedent the same as the signature on Will?** Are all A/K/A's listed?		
2.(b)	**Does date of death agree with death certificate?** Certified death certificate must be filed with petition		
2.(c)	**Is the place of death the same as that listed on death certificate?**		
2.(d)	**Is the address on petition and death certificate the same? this county?** If NOT, has an explanatory affidavit with proofs of domicile been filed? (SCPA §206 & 208)		
	If decedent was a non-domiciliary of the State, has information been furnished pursuant to SCPA §1605 showing ...		

PET ¶ #	DESCRIPTION	YES	NO
2.(d) cont.	(1) no original probate or administration proceeding has been or will be filed in any other jurisdiction (2) statement that testator left probatable assets in this jurisdiction (3) statement listing the distributees in the domiciliary jurisdiction or that they are the same as under New York State Law		
2.(e)	**Is the citizenship of decedent listed?**		
	NOTE: Does all information provided under ¶2 agree with death certificate; if not, has an explanatory affidavit been provided? Check that marital status is correct; submit divorce decree if requested by the court.		
3.	***Make sure that original will and codicil are filed with affidavit(s) of attesting witnesses or necessary documents requesting that the affidavits be dispensed with are filed. (With one surviving witness submit form P-8; if all witnesses are deceased submit forms P-8 and P-9 for one witness and P-9 for decedent.)***		
	Are dates listed correctly for Will and Codicils? **Are all witnesses listed correctly?** **If necessary - did witnesses see original will or a court-certified copy? see SCPA §1406(2)** **Is affidavit of comparison with copy of will (& codicils) submitted?**		
	NOTE: Witnesses may not notarize each other's signatures on witness depositions.		
4.	**Answer "NONE" or specify?**		
5.	***NOTE: <u>Distributee</u>: Any person entitled to take/share in property under EPTL §4-1.1 and 4-1.2.***		
	Has the number of survivors been listed? **Has "<u>NO</u>" been inserted in all prior classes?** **Has an "<u>X</u>" been inserted in all subsequent classes?**		
	NOTE: If alleged that the decedent was survived by no distributee or only one distributee or where the relationship of distributees to the decedent is grandparents, aunts, uncles, first cousins or first cousins once removed, has an Affidavit of Heirship been submitted - see Court Rules §207.16(c).		
6.(a)	**Are all distributees (who are of full age and sound mind) listed with the required information? (Court needs Form P-4 [Acknowledged Waiver of Process/Consent to Probate] see SCPA §401(4), or proposed citation for each person listed under 6(a). Provide copy of death certificate or date of death for any deceased distributee.) NOTE: Administrator c.t.a. see SCPA §1418 - use waiver P-11.**		

PET ¶ #	DESCRIPTION	YES	NO
6.(a) cont.	**Is each person designated as primary executor listed?** **Are all persons adversely affected by the purported exercise by such Will of any power of appointment listed?** **Are all persons adversely affected by any codicil listed?** **Are all persons listed under any other Will of the decedent on file in the Surrogate's Court listed?** **If there is an inter vivos trust or other testamentary substitute, are trustees and beneficiaries affected by the will listed?** **Has a copy of the Trust been submitted?**		
6.(b)	**Same as 6.(a) above but are persons under disability**		
	NOTE: IF THERE ARE PERSONS UNDER DISABILITY LISTED UNDER 6(b) A GUARDIAN AD LITEM WILL HAVE TO BE APPOINTED AND A CITATION ISSUED. (see SCPA §306 & 307)		
	NOTE: THE FOLLOWING INFORMATION HAS TO BE PROVIDED UNDER 6(b) AND 7(b) IF THERE ARE PERSONS UNDER DISABILITY.		
	<u>INFANTS:</u> **Name, birth date, relationship to decedent, domicile/residence address, person with whom he/she resides** **Is there a court-appointed guardian? If so, submit name and residence address and information regarding appointment (submit proof of appointment).** **Are parents living?**		
	<u>ALL OTHER PERSONS UNDER DISABILITY:</u> **Name, relationship to decedent, residence address** **Facts regarding disability: has a committee, conservator, guardian, or any other fiduciary been appointed (submit proof of appointment)** **Has the person under disability been committed to any institution?** **Are the names and addresses of any committee, person or institution having care and custody of him/her, conservator, guardian and any relative or friend having an interest in his/her welfare listed?** **If a person is confined as a prisoner: place of incarceration listed and name and address of any person(s) having an interest in his/her welfare** **Unknowns: described in the same language as will be used in the citation**		

PET ¶ #	DESCRIPTION	YES	NO
6.(b) cont.	***NOTE: IF THERE ARE UNKNOWNS, the following proof has to be submitted:*** ***affidavit showing that diligent efforts have been made to locate unknown distributees or distributees whose whereabouts are unknown [Court Rules §207.16(d)]*** ***"DILIGENT SEARCH" requires extensive research, e.g.:*** ***cemetery and marriage records; telephone books; conversation with other distributees, neighbors, etc.; records of varied Surrogate's Court; military records; Bureau of Immigration & Naturalization; Social Security Administration; Bureau of Vital Statistics; Department of Motor Vehicles; Bureau of the Census; City directories; Internet***		
7.(a)	**Court needs Form P-6 [Notice of Probate/Affidavit of Mailing] for all persons listed under 7(a) & 7(b) - see SCPA §1409.** **Are the names and domiciliary addresses of all substitute or successor executors, trustees, guardians listed? If predeceased - provide death certificate or date of death.** **Are all legatees (any person designated to receive a transfer by will of personal property) who is of full age and sound mind listed?** **Are all devisees (any person to whom real property is transferred by will) who is of full age and sound mind listed?** **Are all other beneficiaries, who are of full age and sound mind, named in the will listed?** **Are charities receiving a residuary share? If so the State Attorney General must receive a notice of probate.** **Are any trustees and beneficiaries of any inter vivos trust designated in the purported will other than those named in paragraph 6 listed?**		
7.(b)	**Same as 7.(a) above but are persons under a disability (see ¶6b). see SCPA §1409(2) and SCPA §307(3) and (4).**		
8.	**Has "NONE" been entered or is there an indication of the confidential relationship? (May require a PUTNAM hearing.)**		
9.(a)	**Has value of estate been listed? (do not include joint assets, insurance left to a beneficiary, non-probate assets)**		
9.(b)	**Has "NONE" been entered or has cause of action been specified?**		
10.	**Under WHEREFORE Clause: has type of letters and all relief requested been checked and completed?**		

PET ¶ #	DESCRIPTION	YES	NO
10. cont.	**Is petition dated, signed, verified, properly notarized (including proper jurat and expiration date of notary's commission)?** **Is oath and designation signed?** **does it set forth proposed fiduciary's physical address?** **Is proposed fiduciary a Bank? use combined corporate verification, consent and designation [use page 6 of the petition]** **Is attorney's name, address and phone number listed?** **Is Part 130 Certification completed by attorney or self-represented party?** **if NOT, has a separate certification as to Part 130 signing requirements been included?**		
If forms are computer generated, has a certification pursuant to Court Rules §207.4 been attached?			

PARTIAL FEE SCHEDULE	SCPA/EPTL§ or Rule #
Have the proper fees been included with petition? Fees per schedule; $6.00 for each Certificate of Appointment. Filing fee is based upon the values of the estate owned individually by the decedent or payable to the Estate - see SCPA §2402(8) 0 but under 10,000 $ 45.00 10,000 but under 20,000 75.00 20,000 but under 50,000 215.00 50,000 but under 100,000 280.00 100,000 but under 250,000 420.00 250,000 but under 500,000 625.00 500,000 and over 1,250.00 If Letters of Trusteeship are requested include an additional $45.00 for this appointment (after checking with individual court of filing as to fee policies).	2402

COMMENTS AND COURT NOTES		Form Number	SCPA/EPTL§ or Rule #
When Permitted	Whenever decedent dies with a Will.		1402
Forms Always Required	•Petition for Probate	P-1	1402
	•Original Will of decedent and Codicil(s), if any		
	•Affidavit of Comparison (unless waived by court)	P-13	
	•Certified Death Certificate		207.15(b)
	•Affidavit of Attesting Witnesses	P-3	1406
	•Self-addressed stamped envelope (if court requires)		
Forms or Documents Sometimes Required	•Application to Dispense with Testimony of Attesting Witness	P-8	1405
	•Waiver of Process; Consent to Probate	P-4	
	•Notice of Appearance		
	•Authorization to Appear on Behalf of Party		
	•Attorney/Fiduciary Statement		207.16(e) & 2307-a
	•Family Tree Chart (if required by court)	FT-1	207.16(c)
	•Affidavit Proving Handwriting of Decedent/Witness	P-9	
	•Renunciation of Nominated Executor and/or Trustee	P-10	
	•Renunciation of Letters of Admin. c.t.a./Waiver of Process	P-11	
	•Affidavit of No Debt (Admin. c.t.a.)	P-12	
	•Citation on Probate	P-5	1403
	•Affidavit for Supplemental Citation		
	•Order for Mailing and/or Publication		
	•Notice to Consul General		
	•Notice of Probate & Affidavit of Service	P-6	
	•Affidavit of Due Diligence		
	•Application for Preliminary Letters Testamentary & Oath & Designation of Preliminary Executor	P-2	1412
	•Sole Heir Affidavit		207.16(c)
	•Affidavit of Service (Personal/Mail/Publication)		314
	•Affidavit as to Military Service		
	•Bond		801-805
	•Death Certificate of deceased spouse, distributee, beneficiary or named executor		207.15(c)
	•Notice of Election by Surviving Spouse		5-1.1
	•Waiver or Release of the Right of Election		5-1.1
	•Obituary Notice (if court requires)		

COMMENTS AND COURT NOTES (continued)

All Waivers and Proofs of Service must show that each interested party actually received a copy of the Will.

Proofs of Service of Citation must be filed with the Court at least two (2) working days before the return date.

Guardian Ad Litem will be appointed on or before the return day of process for all unknowns and persons under disability (SCPA §403).

Petition & Notice of Probate must include names of all persons designated in Will as legatee, devisee, fiduciary or alternate fiduciary not otherwise listed as an interested party.

Letters will not be delivered until Notice of Probate and Mailing Affidavit are filed.

Review carefully instructions to paragraphs 6 and 7 of the Petition and be sure interested parties are listed in the correct places.

NYS Department of Taxation & Finance may be a necessary party for estates of non-domiciliary decedents. Review SCPA §1403(1)(g).

Documents signed by Power of Attorney (Provide certified copy of POA and comply with Section 13-2.3 EPTL and 207.48 Uniform Rules).

Check to be certain all documents are properly acknowledged.

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.

Ancillary Probate Proceeding Checklist

(see Surrogate's Court Form AP-1, 12/97, rev. 4/98)

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

NOTE: An ancillary probate may be used when a non-domiciliary leaves real and/or personal property which needs to be administered under New York State law and there has been probate in the foreign (domiciliary) jurisdiction.

Fill In All Areas On All Pages of Petition - Also Mark When Not Applicable Where Necessary
Check All Forms To Make Sure Venue Is Correct - Appropriate County Is Listed

CHECK: IS THE ATTORNEY OF RECORD LICENSED TO PRACTICE IN THE STATE OF NEW YORK?

PET ¶ #	DESCRIPTION	YES	NO
	Is the captioned name the same as the signature on the Will and ¶2 of the petition?		
	If A/K/A's are they listed in the caption and also under ¶2 of the petition?		
	Has the type of Letters been checked?		
1.	**Is the petitioner the person expressly appointed in the Will as executor with respect to property located in this State or his/her designee?** (see SCPA §1604) **If Not: Is petitioner the fiduciary appointed to act in the domiciliary jurisdiction or his/her designee?** **If Not: Is petitioner the person acting in the domiciliary jurisdiction to administer and distribute the testator's estate?** **If Not: Is petitioner a person entitled to letters of administration c.t.a. or his/her designee?** (see SCPA §1418) **If Not: Is petitioner a creditor, public administrator (County Treasurer) or person interested or to whom letters may issue?** (see SCPA §1609.1)		
	NOTE: Non-domiciliary alien executor, though ineligible to act in this jurisdiction (unless said executor has a co-executor who is a citizen), has a right to designate an ancillary fiduciary. (see SCPA §707 and §1608)		
2.	**Verify information set forth in Authenticated documents from foreign state.**		
	NOTE: Exemplified/Authenticated Record should include copies of Will, Decree or Order Admitting Will to probate in the foreign (domiciliary) jurisdiction, and Letters issued thereon in the foreign jurisdiction (if the issuance of Ancillary Letters are being requested). (see SCPA §1614 and CPLR §4540) If no letters were issued in foreign jurisdiction then explanatory affidavit may be required.		
	NOTE: Exemplifications and/or authenticated documents must be unaltered - i.e. should not be unstapled to photocopy and should not be attached to petition.		

PET ¶ #	DESCRIPTION	YES	NO
2 cont.	***NOTE: Documents filed in a foreign language shall be accompanied by an English translation and an affidavit by the translator stating his/her qualifications and that the translation is accurate. [see CPLR §2101(b)].***		
3.	**Verify again that all information set forth is as indicated in the Exemplified and/or Authenticated documents from foreign state.**		
	NOTE: If petition indicates that time has not yet passed for Will to be subject to contest under the laws of the foreign state, do not admit to ancillary probate, hold in abeyance until such time as verification from foreign Court is filed indicating that time has passed and it is not being contested.		
	NOTE: Bond of Ancillary Fiduciary may be required. [see SCPA §801(c)(ii)]		
4a.	**Is all the New York State property listed with complete address, description and value?** **Verify jurisdiction at this time with property situate in your County, real or personal.** (see SCPA §206) **All items must be completed. If non-applicable, please indicate.**		
	NOTE: Filing fee on Ancillary Probate is based on the value of New York Property only. (see SCPA §2402)		
4b.	**If cause of action is listed <u>complete details must be included</u>; if none, so state.**		
5.	**Issue citation for service on Interested parties listed here as set forth in form (unless waivers and consents to ancillary probate have been submitted).** **<u>Always cite</u> the New York State Department of Taxation and Finance (see SCPA §1609.3) <u>UNLESS</u> a Notice of Appearance and Consent by Tax Commissioner has been filed with Stipulation Reserving Domicile.** **If Letters Are Requested Cite: 1) Domiciliary (New York State) Creditors or those claiming to be creditors; 2) Those entitled to letters or entitled to designate an appointee.** (see instructions on item 1 of this checklist for those entitled to letters - SCPA §1604)		
6.	**Only beneficiaries who reside in New York State (domiciliary beneficiaries) and who are named in the Will/Codicil being offered for Ancillary Probate need be listed here.** **<u>If Letters are Requested:</u> Notice of Ancillary Probate with proof of mailing to all listed if they have not been served with process, waiver, or otherwise appeared in the proceeding. Both (a) and (b) must be completed. If none applicable, so indicate.**		

PET ¶ #	DESCRIPTION	YES	NO
7.	**This must be completed. Either "except" crossed out or "none" indicated.**		
	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 Combined Verification, Oath and Designation signed?** **Does it set forth proposed fiduciary's physical address?** **Is proposed fiduciary a bank? (If yes, submit a combined Corporate Verification, Consent and Designation)**		
	NOTE: Certification must be provided from a financial institution that they are qualified to act as a fiduciary in the State of New York.		
	Is attorney's name, address and phone number listed? **Is Part 130 Certification completed by attorney or self-represented party?** **If NOT, has a separate certification as to Part 130 signing requirements been included?**		
If forms are computer generated, has a certification pursuant to Court Rules §207.4 been attached?			

PARTIAL FEE SCHEDULE		SCPA/EPTL§ or Rule #
Filing Fee	**Have the proper fees been included with petition?** Fees per schedule; $6.00 for each Certificate of Appointment. Filing fee is based upon the values of the New York State Property only owned individually by the decedent or payable to the Estate - see SCPA §2402(8) 0 but under 10,000 $ 45.00 10,000 but under 20,000 75.00 20,000 but under 50,000 215.00 50,000 but under 100,000 280.00 100,000 but under 250,000 420.00 250,000 but under 500,000 625.00 500,000 and over 1,250.00	2402

COMMENTS AND COURT NOTES		Form Number	SCPA/EPTL§ or Rule #
When Permitted	Whenever a non-domiciliary decedent leaves real and/or personal property which needs to be administered under NYS law and there has been probate in the foreign jurisdiction.		1602
Forms Always Required	•Petition for Ancillary Probate •Exemplified/Authenticated Record of Foreign Proceeding (Will, Order Appointing, Letters of Appointment) •Citation (or waiver and consent from tax department)	AP-1 AP-2	1609 1614 CPLR 4540 1609
Forms or Documents Sometimes Required	•Certified Death Certificate •Notice of Ancillary Probate with Affidavit of Mailing •Renunciation of Nominated Executor •Self-addressed stamped envelope •Bond	 AP-3 P-10	 1608(5) 801(c)(ii)

Proofs of Service of Citation must be filed with the Court at least two (2) working days before the return date.

Letters will not be delivered until Notice of Ancillary Probate and Affidavit of Mailing are filed if applicable.

Documents signed by Power of Attorney (Provide certified copy of POA and comply with Section 13-2.3 EPTL and 207.48 Uniform Rules).

Check to be certain all documents are properly acknowledged.

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Administration c.t.a. (after Probate) Proceeding Checklist

(see Surrogate's Court Form CTA-1, rev. 7/98)

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

NOTE: If, subsequent to the admission of a will to probate, the executor or administrator c.t.a. dies, resigns or for any reason is removed from office, and there is no executor or administrator c.t.a. qualified to act, a proceeding for the appointment of an administrator c.t.a. or administrator c.t.a., d.b.n. may be commenced in order to complete the administration of the estate. (SCPA §1418 and 1419).

NOTE: According to the Opinion of the State Comptroller 89-49, dated 11/27/1989, the fee to be charged on an administration c.t.a. proceeding is $45.00.

Check that the office of the executor or administrator c.t.a. is vacant [SCPA §1418(1)]:

1. death certificate
2. proof of revocation
3. resignation (NOTE: an accounting may be required before fiduciary is discharged - SCPA §716)

NOTE: The Court may refuse to issue Letters of Administration c.t.a. if distribution is possible pursuant to SCPA §2207.

Fill In All Areas On All Pages of Petition - Also Mark When Not Applicable Where Necessary
Check All Forms To Make Sure Venue Is Correct - Appropriate County Is Listed

PET ¶ #	DESCRIPTION	YES	NO
	Secure the estate file folder		
	Is the captioned name exactly the same as it appears on the original proceeding?		
	Make sure that the file number is on the petition and all other supporting documents and should be the same file number as the original proceeding		
1a.	**Is the petitioner eligible to act and qualify pursuant to SCPA §1418?** (a) sole beneficiary or if he/she is dead, to his/her fiduciary (b) to one or more residuary beneficiaries or, if any are dead, to his/her fiduciary (c) if there is no one eligible under (a) or (b) who will accept, the Court may issue letters to one or more persons interested in the estate or, if any be dead, to his/her fiduciary *NOTE: [see SCPA §1418(2)-(8) for additional classes] Check citizenship Has the interest of the petitioner been checked and specified?		

PET ¶ #	DESCRIPTION	YES	NO
1b.	Is the proposed administrator an attorney? If so, has a statement been provided pursuant to 22NYCRR 207.16(e)?		
	NOTE: Latter will need an accounting (see 22NYCRR 207.52)		
2.	**Check that the date of admission of Will to probate is correct and that the name of the original fiduciary is listed along with date of death or removal.**		
3.	***NOTE: Verify that all persons and parties interested in this proceeding having a right to letters of administration c.t.a. prior or equal to the petitioner under the provisions of SCPA §1418 and 1419 are listed.***		
	Check that the names, relationships, domiciles and interest of all parties are listed in the petition.		
	NOTE: If there are any deceased interested parties, provide a copy of the death certificate or provide the date of death.		
4.	**Check that all names, relationships, domiciles and interest of all persons and parties are listed who are beneficiaries named in the will other than those named in paragraph 3.**		
	NOTE: Form CTA-3 has to be submitted from all adult competent persons listed under 3 & 4 having a right to letters equal or prior to petitioner or a citation will be issued. ALL INTERESTED PARTIES MUST CONSENT THAT BOND BE DISPENSED WITH OR FILING OF A BOND WILL BE REQUIRED.		
	NOTE: If any interested parties have died subsequent to the death of the decedent, a statement should be included as to whether a legal representative has been appointed, and if so, their name and title, his/her address and the court which issued letters must be listed. If there has been no appointment the distributees of such post-deceased distributee must be listed giving names, relationship, domiciles and citizenship.		
	NOTE: FOR INFANTS (Attach copy of birth certificate if required by court)		
	NOTE: IF THERE IS A COURT-APPOINTED GUARDIAN (FIDUCIARY) SUBMIT PROOF OF APPOINTMENT.		
	NOTE: IF THERE ARE UNKNOWNS, the following proof has to be submitted: ***affidavit showing that diligent efforts have been made to locate unknown distributees or distributees whose whereabouts are unknown [Court Rules §207.16(d)]*** ***"DILIGENT SEARCH" requires extensive research, e.g.:*** ***cemetery and marriage records; telephone books; conversation with other distributees, neighbors, etc.; records of varied Surrogate's Court; military records; Bureau of Immigration & Naturalization; Social Security Administration; Bureau of Vital Statistics; Department of Motor Vehicles; Bureau of the Census; City directories; Internet***		

PET ¶ #	DESCRIPTION	YES	NO
5.	**Verify that there are no other persons interested in this proceeding other than those already mentioned.**		
6.	**Make sure outstanding debts or funeral expenses are listed. If NONE, so state.**		
7a.& 7b.	**Check value of unadministered property** **Check estimated gross rents of real property (if any) for period of eighteen (18) months** **Check that any pending or contemplated causes of action on behalf of the decedent are listed and complete information is given**		
	NOTE: If inconsistent with amount shown in original proceeding, an explanatory affidavit may be required.)		
	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 Combined Verification, Oath and Designation signed?** **does it set forth proposed fiduciary's physical address?** **Is proposed fiduciary a Bank? use combined corporate verification, consent and designation [use page 4 of the petition]** **Is attorney's name, address and phone number listed?** **Is Part 130 Certification completed by attorney or self-represented party?** **if NOT, has a separate certification as to Part 130 signing requirements been included?**		
If forms are computer generated, has a certification pursuant to Court Rules §207.4 been attached?			

Official Forms for this type of proceeding are:

- ✍ CTA-1 (7/98) Petition for Letters of Administration c.t.a. after Probate
- ✍ CTA-2 (7/98) Citation (make sure that the full relief requested is included in citation)
- ✍ CTA-3 (7/98) Renunciation of Letters of Administration c.t.a., Waiver of Process and Consent to Dispense with Bond (to be submitted by an adult competent party having a prior or equal right to that of petitioner) **NOTE:** The Court may fix a bond in an amount which will adequately protect creditors and interested persons who have not consented to dispense with a bond

COMMENTS AND COURT NOTES

The Court may fix a bond in an amount which will adequately protect creditors and interested persons who have not consented to dispense with a bond.

Proofs of Service of Citation must be filed with the Court at least two (2) working days before the return date.

Guardian Ad Litem will be appointed on or before the return day of process for all unknowns and persons under disability (SCPA §403).

Review carefully instructions to paragraphs 3 and 4 of the Petition and be sure interested parties are listed in the correct places.

Documents signed by Power of Attorney (Provide certified copy of POA and comply with Section 13-2.3 EPTL and 207.48 Uniform Rules).

Check to be certain all documents are properly acknowledged.

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Administration Proceeding Checklist

(see Surrogate's Court Form A-1, rev. 12/98)

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

Check All Forms To Make Sure Venue Is Correct - Appropriate County Is Listed
Fill In All Areas On All Pages of Petition - Also Mark When Not Applicable Where Necessary

PET ¶ #	DESCRIPTION	YES	NO
	Is the captioned name exactly the same as it appears on the Death Certificate?		
	If A/K/A's, are they listed in the caption and also under ¶2 of petition?		
	Has the type of Letters been checked?		
1.	**Is the petitioner eligible to act and qualify pursuant to SCPA §1001?** (a) surviving adult spouse of decedent (b) adult child (c) adult grandchild (d) parent (e) brother or sister (f) any other person who is a distributee and who is eligible to qualify (g) others as set forth in SCPA §1001(3) to (9)		
	Check citizenship		
	NOTE: A Non-domiciliary alien is ineligible to act as a sole fiduciary [see SCPA §707]		
	Has the interest of the petitioner been checked and specified?		
	Is the proposed administrator an attorney? If so, has a statement been provided pursuant to 22NYCRR 207.16(e)?		
	NOTE: Latter will need an accounting [see 22NYCRR 207.52]		
2.	**Does the information under ¶2 of the Petition agree with the death certificate?** (certified copy of death certificate must be filed with petition) (a) if address on petition does not agree with death certificate, has an explanatory affidavit been filed [see SCPA §206-208] (b) if decedent was a non-domiciliary of the State, has an explanatory affidavit and a request for non-domiciliary treatment been filed setting forth the following: (1) statement that no original probate or administration proceeding has been or will be filed in any jurisdiction (2) statement that the decedent left estate assets in this jurisdiction		

PET ¶ #	DESCRIPTION	YES	NO
2. cont.	(3) statement listing the distributees in the domiciliary jurisdiction or that they are the same as under New York State Law		
3.	**Has everything been answered?** (a) & (b) is all property in decedent's name alone? do not include: jointly held property with right of survivorship; property held in trust for another; assets that have a named beneficiary (c) estimated rent for 18 months has to be included; this amount needs to be considered in determining whether a bond is required and if so, the amount of the bond (d) if there is a pending or contemplated cause of action on behalf of the decedent, has all information requested in petition been provided? (e) has it been checked, if so, is information provided under ¶7 of Petition?		
4.	**This paragraph states that a diligent search has been made to find a will.**		
5.	**Were the court's records searched for a will for safekeeping or an estate/file previously opened? [See SCPA §2507 and §2508]**		
6.	***NOTE: Distributee: Any person entitled to take or share in property under EPTL §4-1.1 and 4-1.2. (SUBMIT A FAMILY TREE IF REQUIRED BY THE COURT.)***		
	Has the number of survivors been listed? **Has "NO" been inserted in all prior classes?** **Has an " X " been inserted in all subsequent classes?**		
	NOTE: If alleged that the decedent was survived by no distributee or only one distributee or where the relationship of distributees to the decedent is grandparents, aunts, uncles, first cousins or first cousins once removed, has an Affidavit of Heirship been submitted - see Court Rules 207.16(c). NOTE: If there are any deceased distributees, provide a copy of the death certificate or provide the date of death.		
7a.	**Are all distributees or other necessary parties who are of full age and under no disability listed with required information? [see Court Rules §207.16(b)]** Renunciation and Waiver: Renunciation of letters of administration and waiver of process may be submitted from any adult, competent person who has a prior or equal right to letters of administration and must consent to the granting of all relief in the "wherefore clause" of the petition. Waivers must be signed and acknowledged. If letters of administration are to be granted to a designee, the name of such designee must be inserted. (Form A-8 to be used by individuals and Form A-9 from a Corporation [example: funeral director and creditors]).		

PET ¶ #	DESCRIPTION	YES	NO
7a. cont.	**If non-marital or adopted-out person, has Schedule A and/or B been attached to Petition?** Notice of Application for Letters of Administration: This notice (Form A-3) must be given to all those listed in the petition who have a right to letters inferior to that of the nominated administrator, or persons who share in the decedent's estate as distributees, but are not eligible to receive letters. If any of these have waived, notice to them is not required. An original affidavit of mailing must accompany the filed notice.		
NOTE: ALL INTERESTED PARTIES MUST CONSENT THAT BOND BE DISPENSED WITH OR FILING OF BOND WILL BE REQUIRED.			
7b.	**Same as 7a above but are persons under disability** **Are infants and persons under disability listed with required information?** Are Schedules A, B, C and/or D attached?		
	NOTE: FOR INFANTS (Attach copy of birth certificate if required by court)		
	NOTE: IF THERE IS A COURT-APPOINTED GUARDIAN (FIDUCIARY) SUBMIT PROOF OF APPOINTMENT.		
	NOTE: IF THERE ARE UNKNOWNS, the following proof has to be submitted: ***affidavit showing that diligent efforts have been made to locate unknown distributees or distributee whose whereabouts are unknown [see Court Rules §207.16(d)]***		
	"DILIGENT SEARCH" requires extensive research, e.g.: ***cemetery and marriage records; telephone books, conversation with other distributees, neighbors, etc.; records of varied Surrogate's Courts; military records; Bureau of Immigration & Naturalization; Social Security Administration; Bureau of Vital Statistics; Department of Motor Vehicles; Bureau of the Census; City directories, Internet***		
	NOTE: PURSUANT TO SCPA §1003(4) ***Jurisdiction over unknown distributees or distributees whose whereabouts are not known need not be secured prior to the issuance of letters, but is required by publication of citation in the accounting proceeding. The Decree granting Administration must so state.***		
8.	**Make sure outstanding debts or funeral expenses are listed (attach copy of funeral bill if paid). If no outstanding expenses, so state. If outstanding expenses, use Form A-9.**		
9.	**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)?**		

PET ¶ #	DESCRIPTION	YES	NO
9. cont.	**Is Combined Verification, Oath and Designation signed?** **does it set forth proposed fiduciary's physical address?** **Is proposed fiduciary a bank? (submit a Consent and Designation)** **Is attorney's name, address and phone number listed?** **Is Part 130 Certification completed by attorney or self-represented party?** **if NOT, has a separate certification as to Part 130 signing requirements been included?**		
If forms are computer generated, has a certification pursuant to Court Rules §207.4 been attached?			

PARTIAL FEE SCHEDULE	SCPA/EPTL§ or Rule #
Have the proper fees been included with petition? Fees per schedule; $6.00 for each Certificate of Appointment. Filing fee is based upon the values of the estate owned individually by the decedent or payable to the Estate - see SCPA §2402(8)	2402

0 but under 10,000	$ 45.00
10,000 but under 20,000	75.00
20,000 but under 50,000	215.00
50,000 but under 100,000	280.00
100,000 but under 250,000	420.00
250,000 but under 500,000	625.00
500,000 and over	1,250.00

COMMENTS AND COURT NOTES		Form Number	SCPA/EPTL§ or Rule #
When Permitted	Whenever decedent dies without a Will, OR Will filed with Court is not offered for Probate.		1001-1004
Forms Always Required	•Petition for Administration •Oath and Designation •Death Certificate •Copy of paid funeral bill or Waiver from funeral director •Self-addressed stamped envelope (if court requires)	A-1 A-1 A-9	1402 207.15(b)

COMMENTS AND COURT NOTES (continued)		Form Number	SCPA/EPTL§ or Rule #
Forms or Documents Sometimes Required	•Administration Citation	A-2	1003
	•Waiver, Renunciation & Consent:		1003(3)
	Individual	A-8	
	Corporation	A-9	
	•Notice of Application for Letters Administration	A-3	1005
	•Affidavit of Mailing Notice of Application	A-4	
	•Notice to Consul General	A-5	207.21
	•Affidavit of Regularity	A-7	
	•Attorney/Fiduciary Affidavit		207.16(e)
	•Affidavit of Due Diligence for Publication		207.16(c)
	•Affidavit of Service	A-10	307
	•Bond		801-805
	•Family Tree Chart	FT-1	207.16(d)
	•Affidavit of Sole Heirship		207.16(c)
	•Death Certificate of deceased spouse, distributee		207.15(c)
	•Obituary Notice (if court requires)		

If the assets exceed $30,000 and one or more distributees refuse to consent that the Administrator serve without bond (or are unable to consent by reason of their being under disability) it may be necessary to obtain a fiduciary bond. See SCPA Article 8.

Proofs of Service of Citation must be filed with the Court at least two (2) working days before the return date.

Guardian Ad Litem will be appointed on or before the return day of process for all unknowns and persons under disability (SCPA §403).

Letters will not be delivered until Notice of Application *(if required)* and Mailing Affidavit are filed.

Review carefully instructions to paragraphs 6 and 7 of the Petition and be sure interested parties are listed in the correct places.

Documents signed by Power of Attorney (Provide certified copy of POA and comply with Section 13-2.3 EPTL and 207.48 Uniform Rules).

Check to be certain all documents are properly acknowledged.

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Ancillary Administration Proceeding Checklist

(see Surrogate's Court Form AA-1, 12/97, rev. 4/98)

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

NOTE: An ancillary administration may be used when a non-domiciliary dies without a will and leaves real and/or personal property located in New York State or a cause of action exists which needs to be administered and there has been an administration in the foreign (domiciliary) jurisdiction.

Fill In All Areas On All Pages of Petition - Also Mark When Not Applicable Where Necessary
Check All Forms To Make Sure Venue Is Correct - Appropriate County Is Listed

CHECK: IS THE ATTORNEY OF RECORD LICENSED TO PRACTICE IN THE STATE OF NEW YORK?

PET ¶ #	DESCRIPTION	YES	NO
	Is the captioned name the same as that on the foreign documents and ¶2 of the petition?		
	If A/K/A's are they listed in the caption and also under ¶2 of the petition?		
	Has the type of Letters been checked?		
1.	**Is the petitioner the person appointed administrator in the foreign/domiciliary jurisdiction or the person acting in that jurisdiction?** [see SCPA §1607(2)] **If Not: Is petitioner a person entitled to original letters of administration?** **If Not: Is petitioner the designee of person(s) in either the two classes listed above?** [see SCPA §1607(3)] **If Not: Is petitioner a creditor, public administrator (County Treasurer) or person interested or to whom letters may issue?** [see SCPA §1609(1)]		
	NOTE: Non-domiciliary alien administrator, though ineligible to act in this jurisdiction (unless said administrator has a co-administrator who is a citizen), has a right to designate an ancillary fiduciary. (see SCPA §707 and §1608)		
2.	**Verify information set forth in Authenticated documents from foreign state.**		
	NOTE: Exemplified/Authenticated Record should include copies of the foreign administration proceeding, Decree or Order and Letters issued thereon in the foreign jurisdiction. (see SCPA §1614 and CPLR §4540 and §4542)		
	NOTE: Exemplifications and/or authenticated documents must be unaltered - i.e. should not be unstapled to photocopy and should not be attached to petition.		
	NOTE: Documents filed in a foreign language shall be accompanied by an English translation and an affidavit by the translator stating his/her qualifications and that the translation is accurate. [see CPLR §2101(b)].		

PET ¶ #	DESCRIPTION	YES	NO
3.	**Verify again that all information set forth is as indicated in the Authenticated documents from foreign state.**		
	NOTE: Bond of Ancillary Fiduciary may be required. [see SCPA §801(c)(ii)]		
4a.	**Is all the New York State property listed with complete address, description and value?** **Verify jurisdiction at this time with property situate in your County, real or personal.** (see SCPA §206) **All items must be completed. If non-applicable, please indicate.**		
	NOTE: Filing fee on Ancillary Administration is based on the value of New York Property only. (see SCPA §2402)		
4b.	**If cause of action is listed <u>complete details must be included</u>; if none, so state.**		
5.	**Issue citation for service on Interested parties listed here as set forth in form (unless waivers and consents have been submitted).** **<u>Always cite</u> the New York State Department of Taxation and Finance (see SCPA §1609.3) <u>UNLESS</u> a Notice of Appearance and Consent by Tax Commissioner has been filed with Stipulation Reserving Domicile.** **If Letters Are Requested Cite: 1) Domiciliary (New York State) creditors or those claiming to be creditors; 2) Those entitled to letters or entitled to designate an appointee.** (see instructions on item 1 of this checklist for those entitled to letters - SCPA §1607)		
6.	**Only domiciliary distributees who reside in New York State need to be listed.** **Notice of Application for Letters of Ancillary Administration with proof of mailing to all domiciliary distributees who have not waived or otherwise appeared in the proceeding must be submitted.** **Both 6(a) and 6(b) must be completed. If none applicable, so indicate.**		
7.	**This must be completed. Either "except" crossed out or "none" indicated.**		
	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 Combined Verification, Oath and Designation signed?** **Does it set forth proposed fiduciary's physical address?** **Is proposed fiduciary a bank? (If yes, submit a combined Corporate Verification, Consent and Designation)**		

PET ¶ #	DESCRIPTION	YES	NO
	NOTE: Certification must be provided from a financial institution that they are qualified to act as a fiduciary in the State of New York.		
	Is attorney's name, address and phone number listed? **Is Part 130 Certification completed by attorney or self-represented party?** **If NOT, has a separate certification as to Part 130 signing requirements been included?**		
If forms are computer generated, has a certification pursuant to Court Rules §207.4 been attached?			

	PARTIAL FEE SCHEDULE	SCPA/EPTL§ or Rule #
Filing Fee	**Have the proper fees been included with petition?** Fees per schedule; $6.00 for each Certificate of Appointment. Filing fee is based upon the values of the New York State Property only owned individually by the decedent or payable to the Estate - see SCPA §2402(8) 0 but under 10,000 $ 45.00 10,000 but under 20,000 75.00 20,000 but under 50,000 215.00 50,000 but under 100,000 280.00 100,000 but under 250,000 420.00 250,000 but under 500,000 625.00 500,000 and over 1,250.00	2402

COMMENTS AND COURT NOTES		Form Number	SCPA/EPTL§ or Rule #
When Permitted	Whenever a non-domiciliary decedent leaves real and/or personal property or a cause of action which needs to be administered under NYS law and there has been an administration in the foreign jurisdiction.		1607
Forms Always Required	•Petition for Ancillary Administration •Exemplified/Authenticated Record of Foreign Proceeding, Decree or Order Appointing, Letters of Appointment •Citation (or waiver and consent from Tax Department)	AA-1 AA-2	1609 1614 CPLR 4540 1609
Forms or Documents Sometimes Required	•Certified Death Certificate •Notice of Ancillary Administration with Affidavit of Mailing •Self-addressed stamped envelope •Bond	 AA-3	 1608(5) 801(c)(ii)

Proofs of Service of Citation must be filed with the Court at least two (2) working days before the return date.

Letters will not be delivered until Notice of Ancillary Administration and Affidavit of Mailing are filed if applicable.

Documents signed by Power of Attorney (Provide certified copy of POA and comply with Section 13-2.3 EPTL and 207.48 Uniform Rules).

Check to be certain all documents are properly acknowledged.

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Administration d.b.n. Proceeding Checklist

(see Surrogate's Court Form ADM/DBN-1, rev. 7/98)

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

NOTE: An Administrator De Bonis Non (d.b.n.) may be appointed to complete the administration of an estate if the administrator dies, resigns, or for any other reason is removed from office. The procedure for the appointment of an administrator d.b.n. shall be the same as an application for letters of administration (SCPA §1007).

NOTE: According to the Opinion of the State Comptroller 89-49, dated 11/27/1989, the fee to be charged on an administration d.b.n. proceeding is $45.00.

Check that the office of the administrator is vacant [SCPA §1007(1)]:

1. death certificate
2. proof of revocation
3. resignation (NOTE: the Court may require an accounting before permitting a fiduciary to resign)

NOTE: The Court may refuse to issue Letters of Administration d.b.n. if distribution is possible pursuant to SCPA §2207.

Fill In All Areas On All Pages of Petition - Also Mark When Not Applicable Where Necessary
Check All Forms To Make Sure Venue Is Correct - Appropriate County Is Listed

PET ¶ #	DESCRIPTION	YES	NO
	Secure the estate file folder		
	Is the captioned name exactly the same as it appears on the original proceeding?		
	Make sure that the file number is on the petition and all other supporting documents and should be the same file number as the original proceeding		
1a.	**Is the petitioner eligible to act and qualify pursuant to SCPA §1001?** (a) surviving adult spouse of decedent (b) adult child (c) adult grandchild (d) parent (e) brother or sister (f) any other person who is a distributee and who is eligible to qualify (g) others as set forth in SCPA §1001(2) to (9) Check citizenship Has the interest of the petitioner been checked and specified?		

PET ¶ #	DESCRIPTION	YES	NO
1b.	Is the proposed administrator an attorney? If so, has a statement been provided pursuant to 22NYCRR 207.16(e)?		
	NOTE: Latter will need an accounting (see 22NYCRR 207.52)		
2.	**Check date original letters were issued; insert name of original administrator and date of death, resignation or removal**		
3.a-3.e	**Check value of unadministered property**		
	Check estimated gross rents of real property (if any) for period of eighteen (18) months		
	Check that any pending or contemplated causes of action on behalf of the decedent are listed and complete information is given		
	NOTE: If inconsistent with amount shown in original administration proceeding, an explanatory affidavit may be required.)		
4.	***NOTE: Distributee - Any person entitled to take/share in property under EPTL §4-1.1 and 4-1.2.*** *(SUBMIT A FAMILY TREE IF REQUIRED BY THE COURT)*		
	Has the number of survivors been listed?		
	Has "NO" been inserted in all prior classes?		
	Has an " X " been inserted in all subsequent classes?		
	NOTE: If alleged that the decedent was survived by no distributee or only one distributee or where the relationship of distributees to the decedent is grandparents, aunts, uncles, first cousins or first cousins once removed, has an Affidavit of Heirship been submitted - see Court Rules §207.16(c). NOTE: If there are any deceased distributees, provide a copy of the death certificate or provide the date of death.		
5a.	**Check that the names, relationship, domicile, mailing address and citizenship of all distributees are listed in the petition**		
	NOTE: Form ADM/DBN-3 has to be submitted from all adult competent persons listed under 5a having a right to letters equal or prior to petitioner or a citation will be issued. Use ADM/DBN-4 form for all companies listed. All persons with an inferior right to letters should receive a notice of application (forms ADM/DBN-5 & 6). ALL INTERESTED PARTIES MUST CONSENT THAT BOND BE DISPENSED WITH OR FILING OF BOND WILL BE REQUIRED.		
	NOTE: If any have died subsequent to the death of the decedent, a statement should be included as to whether a legal representative has been appointed, and if so, name and title of such representative, his/her address and the court which issued letters. If no legal representative has been appointed, the distributees of such post-deceased distributee must be listed giving names, relationship, domiciles, mailing addresses and citizenship.		

PET ¶ #	DESCRIPTION	YES	NO
5b.	**Same as 5a. above but are persons under disability** **Are infants and persons under disability listed with required information?** Are Schedules A, B, C and/or D attached?		
	NOTE: FOR INFANTS (Attach copy of birth certificate if required by court)		
	NOTE: IF THERE IS A COURT-APPOINTED GUARDIAN (FIDUCIARY) SUBMIT PROOF OF APPOINTMENT.		
	NOTE: IF THERE ARE UNKNOWNS, the following proof has to be submitted: ***affidavit showing that diligent efforts have been made to locate unknown distributees or distributees whose whereabouts are unknown [Court Rules §207.16(d)]*** ***"DILIGENT SEARCH" requires extensive research, e.g.:*** ***cemetery and marriage records; telephone books; conversation with other distributees, neighbors, etc.; records of varied Surrogate's Court; military records; Bureau of Immigration & Naturalization; Social Security Administration; Bureau of Vital Statistics; Department of Motor Vehicles; Bureau of the Census; City directories; Internet***		
	NOTE: PURSUANT TO SCPA §1003(4) ***Jurisdiction over unknown distributees or distributees whose whereabouts are not known need not be secured prior to the issuance of letters, but <u>is</u> required by publication of citation in the accounting proceeding. The Decree granting Administration must so state.***		
6.	**Verify that there are no other persons interested in this proceeding other than those already mentioned.**		
7.	**Make sure outstanding debts or funeral expenses are listed. If none, so state.**		
	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 Combined Verification, Oath and Designation signed?** **does it set forth proposed fiduciary's physical address?** **Is proposed fiduciary a bank? (submit a Consent and Designation)**		
	Is attorney's name, address and phone number listed? **Is Part 130 Certification completed by attorney or self-represented party?** **if <u>NOT</u>, has a separate certification as to Part 130 signing requirements been included?**		
If forms are computer generated, has a certification pursuant to Court Rules §207.4 been attached?			

Official Forms for this type of proceeding are:

- ✍ ADM/DBN-1 Petition for Letters of Administration d.b.n. (7/98)
- ✍ ADM/DBN-2 Citation (make sure full relief requested is included in citation) (7/98)
- ✍ ADM/DBN-3 Waiver of Citation, Renunciation and Consent to Appointment of Administrator d.b.n. (Individual) (10/04)
- ✍ ADM/DBN-4 Consent to Appointment of Administrator d.b.n. (Corporation) (10/04)
- ✍ ADM/DBN-5 Notice of Application for Letters of Administration d.b.n. (7/98)
- ✍ ADM/DBN-6 Affidavit of Mailing Notice of Application for Letters of Administration d.b.n. (7/98)
- ✍ ADM/DBN-7 Notice to the Consul General (7/98)
- ✍ ADM/DBN-8 Affidavit of Service of Citation (Adult) (7/98)

COMMENTS AND COURT NOTES

If the assets exceed $30,000 and one or more distributees refuse to consent that the Administrator serve without bond (or are unable to consent by reason of their being under disability) it may be necessary to obtain a fiduciary bond. See SCPA Article 8.

Proofs of Service of Citation must be filed with the Court at least two (2) working days before the return date.

Guardian Ad Litem will be appointed on or before the return day of process for all unknowns and persons under disability (SCPA §403).

Letters will not be delivered until Notice of Application *(if required)* and Mailing Affidavit are filed.

Review carefully instructions to paragraphs 5a and 5b of the Petition and be sure interested parties are listed in the correct places.

Documents signed by Power of Attorney (Provide certified copy of POA and comply with Section 13-2.3 EPTL and 207.48 Uniform Rules).

Check to be certain all documents are properly acknowledged.

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Voluntary Administration Checklist

(see Surrogate's Court Form SE-3A, rev. 1/2009)

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

Check Form To Make Sure Venue Is Correct - Appropriate County Is Listed
Fill In All Areas On All Pages of Affidavit - Also Mark When Not Applicable Where Necessary

PET ¶ #	DESCRIPTION	YES	NO
	Is the captioned name exactly the same as it appears on the Last Will and Testament? (if there is no Will the name should be the same as that listed on the Death Certificate)		
	If A/K/A's, are they listed in the caption and also under ¶3 of affidavit?		
1.	**Is the petitioner eligible to act and qualify pursuant to SCPA §1303(a) or 1303(b)?** (a) named executor/executrix if there is a will (b) surviving adult spouse of decedent (c) adult child (d) adult grandchild (e) parent (f) brother or sister (g) niece or nephew or aunt or uncle (h) others as set forth in SCPA §1303(a) or SCPA §1303(b) **Complete all required information.**		
2.	**Has the interest of the affiant been checked and specified?**		
3.	**Enter decedent's name, including a/k/a's, domicile, date of death, place of death and citizenship. Does the information agree with the death certificate?**		
	NOTE: A certified copy of the death certificate must be filed with affidavit.[see SCPA §1304(3)]		
4.	**Check appropriate box. If decedent died with a will, the original will must be submitted with Affidavit [SCPA §1303(b)].**		
5.	**Check records of Surrogate's Court to make sure no previous application has been made in this estate for a voluntary administration or for letters of administration or for the probate of a will.**		
6.	**Check that name, complete mailing address and relationship of each distributee is listed. If an address is unknown detail efforts made to locate the individual.**		
	NOTE: <u>Distributee:</u> Any person entitled to take or share in property under EPTL §4-1.1 and 4-1.2. (SUBMIT A FAMILY TREE IF REQUIRED BY THE COURT.) If there are any deceased distributees, provide a copy of the death certificate or provide the date of death.		
	If there are no issue, state "no issue" otherwise list names, addresses and the name of the deceased distributee that connects them to decedent.		

PET ¶ #	DESCRIPTION	YES	NO
6. cont.	***NOTE: If it is alleged that the decedent was survived by no distributee or only one distributee or where the relationship of distributees to the decedent is grandparents, aunts, uncles, first cousins or first cousins once removed, the Court may require an Affidavit of Heirship as set forth in Uniform Rules 207.16(c).***		
7.	**Information that must be listed: name, bequest and full mailing address of each individual named in the will.**		
	NOTE: Notices will be mailed by the Court to each distributee and beneficiary listed in the affidavit under ¶6 and ¶7, excluding affiant. [see SCPA §1304(4)] Some Courts require a stamped addressed envelope to each individual listed.		
8.	**Check to be certain that value of personal property does not exceed $30,000 for decedent dying on or after 1/1/09 ($20,000.00 for decedent dying prior to 1/1/09 but on or after 8/29/96; $10,000.00 for decedent dying prior to 8/29/96). [see SCPA §1301(1) and EPTL §5-3.1(a)(1-5)]**		
9.	**Information that must be listed: all assets of the decedent including bank accounts, stocks, insurance policies not payable to a named beneficiary and the value of each item. JOINT ASSETS AND SET-OFF PROPERTY ARE EXCLUDED. [see EPTL §5-3.1] Give specific details for each asset, i.e. name of bank, account number, etc. A certificate will be issued for each asset listed.**		
10.	**Must be listed: names of all creditors, including unpaid funeral expenses, and the amount owed to each creditor.**		
	NOTE: Some Courts require proof of payment of the funeral bill if not listed.		
11.	**Court should advise the voluntary administrator of his or her duties and that they are required to account for the distribution of all assets.**		
12.	**This paragraph states this proceeding will not determine the estate tax liability.**		
13.	**This paragraph states that if an administration or probate proceeding is commenced, voluntary administrator/trix must file account with the Court appointed fiduciary. [see SCPA §1307(2)]**		
	Is affidavit signed and properly notarized (including proper jurat and expiration date of notary's commission)? **Is attorney or self-represented party's name, address and phone number listed?** **Is Part 130 Certification completed by attorney or self-represented party?** **if <u>NOT</u>, has a separate certification as to Part 130 signing requirements been included?**		
If forms are computer generated, has a certification pursuant to Court Rules §207.4 been attached?			

FEE SCHEDULE	SCPA/EPTL§ or Rule #
Has the proper fee been included with affidavit? $1.00 for filing affidavit	1304(4)

COMMENTS AND COURT NOTES		Form Number	SCPA/EPTL§ or Rule #
When Permitted	May be used when a fiduciary is needed to transfer estate assets (personal property only) and the value of the assets does not exceed the following: $30,000 - for decedents dying on or after 1/1/09 $20,000 - for decedents dying from 8/29/96 through 12/31/08 $10,000 - for decedents dying from 6/15/81 through 8/28/96 $5,000 - for decedents dying from 6/24/75 through 6/14/81 $3,000 - for decedents dying prior to 6/24/75 Amounts exclusive of property set off under EPTL §5-3.1.		1301
Documents Always Required	•Affidavit in Relation to Settlement of Estate under Article 13 •Certified Death Certificate •Original Will (if one exists) •Report and Account in Settlement of Estate	SE-3A SE-1D	1304(3) 1304(3) 1303(b) 1307(2)
Documents Sometimes Required	•Renunciation of Voluntary Administration •Copy of funeral bill •Obituary Notice •Affidavit of Disinterested Party/Sole Heirship Affidavit •Family Tree Chart •Amended Affidavit •Death Certificate of deceased spouse, distributee	SE-1C FT-1 SE-3B	1303 207.16(c) 207.16(c) 207.46

COMMENTS AND COURT NOTES (continued)

Certificates will be issued only for assets or items listed in paragraph 9 of the Affidavit (SE-3A). If additional certificates are needed for assets discovered after the Affidavit is filed, submit Amended Affidavit (Form SE-3B).

A voluntary administrator MAY NOT be used to pass title to real property held in the decedent's name. **[However, pursuant to Real Property Law §321(5)(a) a voluntary administrator may sign a discharge of mortgage.]**

A bank account must be opened for any money received by the voluntary administrator, see SCPA §1307(1).

Review carefully instructions to ¶6 and ¶7 of the Affidavit and be sure interested parties are listed in the correct places.

Documents signed by Power of Attorney (Provide certified copy of POA and comply with Section 13-2.3 EPTL and 207.48 Uniform Rules).

Check to be certain all documents are properly notarized.

Estates, Powers and Trusts Law Section 5-3.1 - Exemption for Benefit of Family

If a person dies leaving a surviving spouse the following items of personal property vest in such surviving spouse, and if there is no surviving spouse, such items of property vest in the decedent's children under the age of 21 years, if any:

(1) Household items (furniture, clothing, etc...) not exceeding a total value of $10,000.00.

(2) Family Bible, pictures, videotapes, computer tapes, discs, software, books not exceeding a total value of $1,000.00.

(3) Domestic animals with their necessary food for 60 days, farm machinery, one tractor and one lawn tractor, not exceeding in aggregate value $15,000.00.

(4) One motor vehicle not exceeding in value $15,000.00.

(5) Money or other personal property not exceeding in value $15,000.00, except that where assets are insufficient to pay the reasonable funeral expense of the decedent, the personal representative must apply such money or other personal property to defray any deficiency in such expenses.

(This is not a complete reprint of the law regarding family exemptions. Please see EPTL §5-3.1 for the full text of the law.)

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.

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]?		
	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.		
	Is the captioned name the same as the birth certificate and ¶2 of petition?		
1.	**Is the petitioner a proper party?** [see SCPA §1703]		
	Is the petitioner ... 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		
	Has all required information been provided? [name, telephone #, permanent address (mailing address), date of birth and relationship]		
	Are all A/K/A's listed?		
2.	**Is the name of the infant in ¶2 the same as that listed on the birth certificate?**		
	Has all requested information been provided? [name, permanent address (mailing address), date of birth and marital status]		
	Birth Certificate from official registrar (not hospital) to be filed with petition [see NYCRR §207.15(a)]		
	Are all A/K/A's listed?		
3.	**Check that names and addresses of <u>both</u> natural parents are listed.** If infant is married-provide requested information [see SCPA §1704(2)]		
	If one or both are deceased their names must still be shown and date of death noted. (Court may require copy of death certificate)		
3. cont.	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]*		

PET ¶ #	DESCRIPTION	YES	NO
	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.		
	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)]		
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.	**Have the names and permanent addresses of the infant's grandparents been provided?** [see SCPA §1705]		
	If not applicable, so state.		
	If deceased, add date of death.		
7.	**This paragraph is a sworn statement by petitioner.**		
8a.	**Verify that the infant has never had a guardian appointed.**		
8b.	**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.**		
	NOTE: Check that applicable copies of surrenders, court orders or divorce decrees have been attached.		
9.	**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:**		
	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		
	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.		
	NOTE: If knowledge of a report is indicated, verify that an affidavit explaining circumstances in detail is included.		
10.	**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.**		
	NOTE: Some Courts may require submission of form DCJS-6, Fingerprint Card, for each proposed guardian in order to conduct a criminal record search.		

PET ¶ #	DESCRIPTION	YES	NO
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	•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	•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

Proofs of Service of Citation must be filed with the Court at least two (2) working days before the return date.

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).

Guardian Ad Litem will be appointed on or before the return day of process for all unknowns and persons under disability (SCPA §403).

Documents signed by Power of Attorney (Provide certified copy of POA and comply with Section 13-2.3 EPTL and 207.48 Uniform Rules).

Check to be certain all documents are properly acknowledged.

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.

Guardianship Proceeding Checklist
Person and/or Property

(see Surrogate's Court Form G-2-B, 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]?		
	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.		
	Is the captioned name the same as the birth certificate and ¶2 of petition?		
1.	**Is the petitioner a proper party?** [see SCPA §1703]		
	Is the petitioner ... 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		
	Has all requested information been provided [name, permanent address, date of birth, telephone # and relationship]?		
	Are all A/K/A's listed?		
2.	**Is the name of the infant in ¶2 the same as that listed on the birth certificate?**		
	Birth Certificate from official registrar (not hospital) to be filed with petition [see NYCRR §207.15(a)]		
	Has all requested information been provided [name, permanent address, date of birth, marital status]		
	Are all A/K/A's listed?		
3.	**Check that names and addresses of <u>both</u> natural parents are listed. If infant is married, has the information been provided regarding the spouse?** [see SCPA §1704(2)]		
	If one or both parents are deceased their names must still be shown and date of death noted. (Court may require copy of death certificate)		

PET ¶ #	DESCRIPTION	YES	NO
5.	**Complete ¶5 only if new or different standby guardian(s) is/are to be designated in this proceeding.** If applicable enter required information in (a) through (d).		
6.	**Complete ¶6 only if seeking confirmation of standby guardian or alternate standby guardian.** If applicable enter required information.		
7.	**Complete ¶7 only if seeking confirmation of standby guardian or alternate standby guardian.** If applicable check appropriate box.		
8.	**Check appropriate box.** [see SCPA §1704(6) and §1761].		
	NOTE: If knowledge of a report is indicated, verify that an affidavit explaining circumstances in detail is included.		
9.	**Confirm that Request for Information Guardianship form has been submitted.**		
	NOTE: Some Courts may require submission of form DCJS-6, Fingerprint Card, for each proposed guardian in order to conduct a criminal record search.		
10.	**List names and addresses of all interested parties.** [see SCPA §1753 and 304(3)]		
11.	**This paragraph states that there are no other persons interested in this proceeding other than those already mentioned.**		
	If new or different standby guardian(s) is/are to be designated furnish any necessary waivers/renunciations/consents. (Form GMD-3)		
	NOTE: SCPA §1753(1) requires that process shall issue to: ***1. Parent or Parents (if other than petitioner)*** ***2. Adult children, adult siblings (if petitioner is other than a parent)*** ***3. Spouse (if respondent is married);*** ***4. Person having care and custody or with whom respondent resides (if other than parent or spouse);*** ***5. The respondent (if fourteen (14) years of age or older).***		
	NOTE: SCPA §1753(2) requires that a Notice of Petition be served by certified mail to: ***1. Adult siblings (if petitioner is a parent)*** ***2. Mental Hygiene Legal Services*** ***3. Director of any State Facility where respondent resides*** ***4. Adult children (if petitioner is a parent)*** ***5. Any other person Court deems proper*** ***6. Any person designated in writing by respondent***		
	NOTE: No process or notice is necessary to any person above who has been declared by the court as incompetent or who has, as appears to the Court's satisfaction, abandoned the respondent or to a spouse who is divorced from the respondent. [see SCPA §1754(2)]		

PET ¶ #	DESCRIPTION	YES	NO
	Under WHEREFORE Clause: has all relief requested for sections (a) through (k) been checked and completed?		
	Is petition dated, signed, verified, properly notarized (including proper jurat and expiration date of notary's commission)? **Is attorney's name, address and phone number listed?** **Is oath and designation signed?** **does it set forth proposed guardian's physical address?** **Is proposed guardian a Bank?** **has corporate consent and designation been submitted?** [see SCPA §708(4)] **Has Part 130 Certification been completed?**		
	if NOT, has a separate attorney certification as to Part 130 signing requirements been included?		
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 a respondent will be promoted by the confirmation or designation of a standby guardian of the person or of the property or of both person and property.		1750, 1750-a 1750-b

COMMENTS AND COURT NOTES		Form Number	SCPA/EPTL§ or Rule #
Forms Always Required	•Petition for Appointment/Confirmation of Standby Guardian	CSMD-1	1757
	•Affidavit of Proposed Guardian	CSMD-5	
	•Birth Certificate (if not already filed with court)		207.15(a)
	•Request for Information Guardianship Form	OCFS-3909	1706(2)
	•Affidavit (Certification) of Examining Physician or Licensed Psychologist (if not already filed or required by court)	GMD-2A	1750,1750-a, 1750-b
	•Affirmation (Certification) of Examining Physician (if not already filed or required by court)	GMD-2B	1750,1750-a 1750-b
	•Citation	CSMD-4	1757
	•Notice of Petition	CSMD-3	1753(2)
Forms or Documents Sometimes Required	•Waiver, Renunciation and Consent	CSMD-2	1753(1)
	•Consent, Oath and Designation of Guardian/Standby Guardian	CSMD-6	
	•Guardian's Annual Account	G-7	1719, 1761
	•Affidavit of Due Diligence		
	•Affidavit of Service (Personal/Mail/Publication)		
	•Bond		801, 1708, 1761
	•Death Certificate of deceased spouse, distributee or parent		207.15(b)
	•Birth Certificate of spouse or distributees who are under the age of 18		207.15(a)
	•Copies of Divorce Decrees, Surrenders, Court Orders		
	•Orders of Filiation	DCJS-6	
	•Fingerprint Card		

Proofs of Service of Citation must be filed with the Court at least two (2) working days before the return date in compliance with Uniform Rule 207.7(c).

Guardian Ad Litem will be appointed when respondent is not a resident of a state facility. Guardian ad litem will be appointed on or before the return day of process for all unknowns and persons under disability (SCPA §403).

Documents signed by Power of Attorney (Provide certified copy of POA and comply with Section 13-2.3 EPTL and 207.48 Uniform Rules).

Check to be certain all documents are properly acknowledged.

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.

17-A Guardianship Proceeding Checklist of Mentally Retarded/Developmentally Disabled Person

(Person and/or Property)

(see Surrogate's Court Form GMD-1, rev. 9/2006)

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

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

PET ¶ #	DESCRIPTION	YES	NO
	Does the Court have jurisdiction over the subject MR/DDP, hereinafter referred to as respondent [see SCPA §1702]?		
	NOTE: The respondent 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. The domicile of the respondent's parent(s) or spouse if respondent is married, or custodial parent in the case of an infant respondent is the domicile of the respondent.		
	Is the captioned name the same as the birth certificate and ¶2 of petition? [see 22NYCRR §207.15(a) and SCPA §1752(1)]		
1.	**Is the petitioner a proper party?** [see SCPA §1751] **Is the petitioner ... both parents or the survivor, or one parent**; **any person eighteen (18) years of age or older, including a corporation authorized to serve as a guardian, interested in the welfare of the respondent;** **the respondent when such person is eighteen (18) years of age or older.** **Complete all required information.** Are all A/K/A's listed?		
2a.	**Is the name and date of birth of the respondent in ¶2 the same as that listed on the Birth Certificate?** [see SCPA §1752(1)] Attach Birth Certificate from official registrar (not hospital) to be filed with petition [see NYCRR §207.15(a)] **Complete all required information.**		
2b.	**Check whether respondent is admitted to a group home or facility.** [see MHL §1.03 and/or Article 15] **If admitted, complete required information.**		
3.	**List the names and post office addresses of the parents and spouse of the respondent.** [see SCPA §1752(3)]		

PET ¶ #	DESCRIPTION	YES	NO
3. cont.	If any relatives are deceased their names must still be shown and date of death noted. (Court may require copy of death certificate) 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 5 - Comments & Court Notes]*		
	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.		
	NOTE: If the natural mother was married at the time of respondent's birth, there is a rebuttable presumption that her husband is the father of the respondent and is a necessary party unless a filiation order has established otherwise. [see DRL §24(1)]		
4.	**List names and addresses of adult children, adult siblings, and their relationship to respondent.** [see SCPA §1752(3)]		
5.	**If the respondent has a primary care physician other than the physician submitting the certification, complete required information.**		
6.	**If the father and mother are deceased, list the names and addresses of New York State distributees (those persons entitled to take a share of the respondent's property).** [see EPTL §4-1.1]		
7.	**If respondent resides with person(s) other than parents or spouse, list names, addresses and relationship to respondent of person(s) charged with their care and custody.**		
8.	**Give detailed information why those relatives listed in this paragraph are not petitioning to be appointed.**		
9.	**This paragraph states that proposed guardian(s), standby or alternate standby guardian(s) are of sound mind, adult and competent.**		
10a.	**Choose the box that reflects the relief requested and indicate reasons.**		
10b.	**Choose the box that reflects the relief requested and indicate value.**		
11a.	**Describe and state the value of personal property as directed in this paragraph.** [see SCPA §1752(6)]		
11b.	**Describe and state the value of real property as directed in this paragraph.** [see SCPA §1752(6)]		
11c.	**Describe and state the value of annual income as directed in this paragraph.** [see SCPA §1752(6)]		
11d.	**State the source of all property as directed in this paragraph.**		
	NOTE: Court only requires information as to respondent's property. All information in paragraph 11 will be used to compare and verify the guardian's report on the first annual account.		

PET ¶ #	DESCRIPTION	YES	NO
12.	**Confirm that the licensed doctors' certifications (Form GMD-2A and 2B) are attached to petition and that their names and the dates of the certifications are completed on the petition. Check certifications/affidavits to be certain all required information is contained therein.** [see SCPA §1750, 1750-a, 1750-b]		
13.	**For a limited guardianship, insert applicable employment information.** [see SCPA §1756]		
14a. to 14d.	**List names and addresses of the proposed guardians (other than petitioner), all standby guardians or alternate guardians are listed and confirm that the boxes checked reflect the relief requested.** **Confirm that proper consents/oaths/designations or consents/designations are completed by any proposed alternate/standby guardians. (GMD-4)**		
15.	**Check appropriate box. If request is made to dispense with respondent's presence, confirm that physician's certification so attests or that other circumstances are stated.** [see SCPA §1754]		
16.	**Confirm that the respondent has never had a guardian appointed by will or deed or any acting guardian in socage, or a guardian appointed pursuant to Social Services Law §384 or §284-b.** [see SCPA §1704(3) and SCPA §1761]		
17.	**Check appropriate box.** [see SCPA §1704(6) and §1761].		
	NOTE: If knowledge of a report is indicated, verify that an affidavit explaining circumstances in detail is included.		
18.	**Confirm that Request for Information Guardianship form has been submitted.**		
	NOTE: Some Courts may require electronic fingerprinting for each proposed guardian in order to conduct a criminal record search.		
19.	**Check appropriate box.**		
20.	**This paragraph states that there are no other persons interested in this proceeding other than those already mentioned.** **Confirm that any necessary waivers/renunciations/consents have been filed. (Form GMD-3)**		
	NOTE: SCPA §1753(1) requires that process shall issue to: ***1. Parent or Parents (if other than petitioner)*** ***2. Adult children, adult siblings (if petitioner is other than a parent)*** ***3. Spouse (if respondent is married);*** ***4. Person having care and custody or with whom respondent resides (if other than parent or spouse);*** ***5. The respondent (if fourteen (14) years of age or older).***		
	NOTE: No process or notice is necessary to any person above who has been declared by the court as incompetent or who has, as appears to the Court's satisfaction, abandoned the respondent or to a spouse who is divorced from the respondent. [see SCPA §1754(2)]		

PET ¶ #	DESCRIPTION	YES	NO
20. cont.	***NOTE: SCPA §1753(2) requires that a Notice of Petition (GMD-8) be served by certified mail to:*** ***1. Adult siblings (if petitioner is a parent)*** ***2. Mental Hygiene Legal Services*** ***3. Director of any State Facility where respondent resides*** ***4. Adult children (if petitioner is a parent)*** ***5. Any other person Court deems proper*** ***6. Any person designated in writing by respondent***		
21.	**State whether any prior application for guardianship of the subject respondent has been made in any court.**		
	Under WHEREFORE Clause: has all relief requested for sections (a) through (i) been checked and completed?		
	Is petition dated, signed, verified, properly notarized (including proper jurat and expiration date of notary's commission)? **Is attorney's name, address and phone number listed?** **Is oath and designation signed?** **does it set forth proposed guardian's physical address?** **Is proposed guardian a Bank?** **has corporate consent and designation been submitted?** [see SCPA §708(4)] **Is Part 130 Certification completed by attorney or self-represented party?** **if NOT, has a separate certification as to Part 130 signing requirements been included?**		
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 a respondent will be promoted by the appointment of a guardian of the person or of the property or of both person and property.		1750, 1750-a 1750-b

COMMENTS AND COURT NOTES		Form Number	SCPA/EPTL§ or Rule #
Forms Always Required	•Petition for Appointment of Guardian	GMD-1	1751, 1752
	•Affidavit of Proposed Guardian	GMD-1A	
	•Birth Certificate		207.15(a)
	•Request for Information Guardianship Form	OCFS-3909	1706(2)
	•Affidavit (Certification) of Examining Physician or Licensed Psychologist	GMD-2A	1750,1750-a, 1750-b
	•Affirmation (Certification) of Examining Physician	GMD-2B	1750,1750-a 1750-b
	•Citation	GMD-7	1753(1)
	•Notice of Petition	GMD-8	1753(2)
Forms or Documents Sometimes Required	•Waiver, Renunciation and Consent	GMD-3	1753(1)
	•Consent, Oath and Designation of Guardian/Standby Guardian	GMD-4	
	•Decree Appointing Limited Guardian of Property	GMD-6	1756
	•Affidavit of Due Diligence		
	•Affidavit of Service (Personal/Mail/Publication)		
	•Bond		801, 1708, 1761
	•Death Certificate of deceased spouse, distributee or parent		
	•Birth Certificate of spouse or distributees who are under the age of 18		207.15(b) 207.15(a)
	•Copies of Divorce Decrees, Surrenders, Court Orders		
	•Orders of Filiation		

Proofs of Service of Citation must be filed with the Court at least two (2) working days before the return date in compliance with Uniform Rule 207.7(c).

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).

Guardian Ad Litem will be appointed when respondent is not a resident of a state facility. Guardian ad litem will be appointed on or before the return day of process for all unknowns and persons under disability (SCPA §403).

Documents signed by Power of Attorney (Provide certified copy of POA and comply with Section 13-2.3 EPTL and 207.48 Uniform Rules).

Check to be certain all documents are properly acknowledged.

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17-A Guardianship Proceeding Checklist
Appointment/Confirmation of Standby Guardian [SCPA 1757]

(Person and/or Property)

(see Surrogate's Court Form CSMD-1, rev. 9/2006)

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

If you are using Surrogate's Court form CSMD-1 to confirm a Standby Guardian appointment, the CSMD-1 must be filed as soon as possible. Confirmation must be finalized within 180 days of assumption of duties.

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

PET ¶ #	DESCRIPTION	YES	NO
	Does the Court have jurisdiction over the subject MR/DDP, hereinafter referred to as respondent [see SCPA §1702]?		
	NOTE: The respondent 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. The domicile of the respondent's parent(s) or spouse if respondent is married, or custodial parent in the case of an infant respondent is the domicile of the respondent.		
	Is the captioned name the same as the birth certificate and ¶2(a) of petition? [see 22NYCRR 207.15(a) and SCPA §1752(1)]		
1.	**Is the petitioner a proper party?** [see SCPA §1757] **Is the petitioner ... the guardian,** **standby guardian,** **alternate standby guardian,** **second alternate standby guardian,** **third alternate standby guardian,** **mentally retarded/respondent,** **developmentally disabled/respondent** **Complete all required information.** Are all A/K/A's listed?		
2a.	**Is the name and date of birth of the respondent in ¶2 the same as that listed on the Birth Certificate?** [see SCPA §1752(1)] Attach Birth Certificate from official registrar (not hospital) to be filed with petition [see NYCRR §207.15(a)] - if not already on file with the court **Complete all required information.**		

PET ¶ #	DESCRIPTION	YES	NO
2b.	**Check whether respondent is admitted to a group home or facility.** [see MHL §1.03 and/or Article 15] **If admitted, complete required information.**		
3.	**Indicate previous types of appointments and date of decree and to whom original letters were issued.**		
4.	**Choose the box that reflects the relief requested and attach required proof.**		
5.	**Complete ¶5 only if new or different standby guardian(s) is/are to be designated in this proceeding.** If applicable, enter required information in (a) through (d).		
6.	**Complete ¶6 only if seeking confirmation of standby guardian or alternate standby guardian.** If applicable, enter required information.		
7.	**Complete ¶7 only if seeking confirmation of standby guardian or alternate standby guardian.** If applicable, check appropriate box.		
8.	**Check appropriate box.** [see SCPA §1704(6) and §1761].		
	NOTE: If knowledge of a report is indicated, verify that an affidavit explaining circumstances in detail is included.		
9.	**Confirm that a Request for Information Guardianship form [OCFS 3909] has been submitted.**		
	NOTE: Some Courts may require electronic fingerprinting for each proposed guardian in order to conduct a criminal record search.		
10.	**List names and addresses of all interested parties.** [see SCPA §1753 and 304(3)]		
11.	**This paragraph states that there are no other persons interested in this proceeding other than those already mentioned.**		
	If new or different standby guardian(s) is/are to be designated, furnish any necessary waivers/renunciations/consents. (Form CSMD-2)		
	NOTE: SCPA §1753(1) requires that process shall issue to: ***1. Parent or Parents (if other than petitioner)*** ***2. Adult children, adult siblings (if petitioner is other than a parent)*** ***3. Spouse (if respondent is married);*** ***4. Person having care and custody or with whom respondent resides (if other than parent or spouse);*** ***5. The respondent (if fourteen (14) years of age or older).***		

PET ¶ #	DESCRIPTION	YES	NO
11. cont.	***NOTE: No process or notice is necessary to any person above who has been declared by the court as incompetent or who has, as appears to the Court's satisfaction, abandoned the respondent or to a spouse who is divorced from the respondent. [see SCPA §1754(2)]***		
	NOTE: SCPA §1753(2) requires that a Notice of Petition (CSMD-3) be served by certified mail to: ***1. Adult siblings (if petitioner is a parent)*** ***2. Mental Hygiene Legal Services*** ***3. Director of any State Facility where respondent resides*** ***4. Adult children (if petitioner is a parent)*** ***5. Any other person Court deems proper*** ***6. Any person designated in writing by respondent***		
	Under WHEREFORE Clause: has all relief requested for sections (a) through (k) been checked and completed?		
	Is petition dated, signed, verified, and properly notarized (including proper jurat and expiration date of notary's commission)? **Is attorney's name, address and phone number listed?** **Is oath and designation signed?** **does it set forth proposed guardian's physical address?** **Is proposed guardian a Bank?** **has corporate consent and designation been submitted?** [see SCPA §708(4)] **Is Part 130 Certification completed by attorney or self-represented party?** **if <u>NOT</u>, has a separate certification as to Part 130 signing requirements been included?**		
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 a respondent will be promoted by the confirmation or designation of a standby guardian of the person or of the property or of both person and property.		1750, 1750-a 1750-b
Forms Always Required	•Petition for Appointment/Confirmation of Standby Guardian	CSMD-1	1757
	•Affidavit of Proposed Guardian	CSMD-5	
	•Birth Certificate (if not already filed with court)		207.15(a)
	•Request for Information Guardianship Form	OCFS-3909	1706(2)
	•Affidavit (Certification) of Examining Physician or Licensed Psychologist (if not already filed or required by court)	GMD-2A	1750,1750-a, 1750-b
	•Affirmation (Certification) of Examining Physician (if not already filed or required by court)	GMD-2B	1750,1750-a 1750-b
	•Citation	CSMD-4	1757
	•Notice of Petition	CSMD-3	1753(2)
Forms or Documents Sometimes Required	•Waiver, Renunciation and Consent	CSMD-2	1753(1)
	•Consent, Oath and Designation of Guardian/Standby Guardian	CSMD-6	
	•Guardian's Annual Account	G-7	1719, 1761
	•Affidavit of Due Diligence		
	•Affidavit of Service (Personal/Mail/Publication)		
	•Bond		801, 1708, 1761
	•Death Certificate of deceased spouse, distributee or parent		207.15(b)
	•Birth Certificate of spouse or distributees who are under the age of 18		207.15(a)
	•Copies of Divorce Decrees, Surrenders, Court Orders		
	•Orders of Filiation		

Proofs of Service of Citation must be filed with the Court at least two (2) working days before the return date in compliance with Uniform Rule 207.7(c).

Guardian Ad Litem will be appointed when respondent is not a resident of a state facility. Guardian ad litem will be appointed on or before the return day of process for all unknowns and persons under disability (SCPA §403).

Documents signed by Power of Attorney (Provide certified copy of POA and comply with Section 13-2.3 EPTL and 207.48 Uniform Rules).

Check to be certain all documents are properly acknowledged.

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.

Standby Guardianship Proceeding Checklist
Person and/or Property

(see Surrogate's Court Form SG-1, rev. 4/98)

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

A separate petition and supporting papers must be submitted for each infant child of the petitioner.

CAREFULLY follow instructions when checking off boxes or crossing out words that are inapplicable to the facts of your case as these forms must conform to a number of different fact situations.

ALL QUESTIONS MUST BE ANSWERED.

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?		
	NOTE: The infant must be domiciled in the county, have sojourned in the county immediately preceding the application for standby guardianship, or if a non-domiciliary of the state, must have property situate in the county.		
	Is the captioned name the same as the birth certificate and ¶2 of petition?		
1.	**Is the petitioner a proper party?** [see SCPA §1726(3)(a)]		
	Is the petitioner ... a parent		
	a legal guardian of the infant		
	Does the petition set forth the following:		
	Name, relationship of the petitioner to the infant and date of birth		
	Mailing address, residence and telephone number of petitioner		
2.	**Is the name of the infant in ¶2 the same as that listed on the birth certificate?**		
	Birth Certificate from official registrar (not hospital) to be filed with petition [see NYCRR §207.15(a)]		
	Does the petition set forth the following:		
	Name, marital status and date of birth of infant		
	Mailing address and residence		
3.	**Are the names, mailing addresses, residences and dates of birth of the adult persons with whom the infant resides listed?**		
4.	**Is the name, mailing address, residence, and date of birth of the proposed standby guardian listed?**		

PET ¶ #	DESCRIPTION	YES	NO
	NOTE: Include relationship of proposed standby guardian to infant if required.		
5.	**Has the name and address, of the other parent been provided?**		
	If deceased, his/her name must still be shown and death noted. (Court may require copy of death certificate)		
	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 7 - Comments & Court Notes]*		
	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.		
	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)]		
	If the infant is married, is the infant's spouse, date of birth and address listed?		
	If one parent is deceased, and there is no spouse of the infant, is the name of the grandparents (if residing within the county) listed with address?		
	NOTE: If any of the above is an infant attach a schedule providing the name of the infant, with whom he/she resides with, whether he/she has a court-appointed guardian, if so, provide the name and address of the guardian. If the disability is other than infant, fill out and attach Schedule A.		
6.	**Are there any other persons or agencies interested in this proceeding other than those mentioned above?**		
7a.	**Has any guardian or standby guardian ever been appointed for the infant? See SCPA §1704(3)**		
7b.	**Has information regarding custody of the infant been provided?**		
	NOTE: Include all specifics regarding any court ordered custody or surrender and attach copies of all surrenders, court orders or divorce decrees.		
8.	***NOTE: COMPLETE THIS PARAGRAPH IF YOU ARE SEEKING THE APPOINTMENT OF A STANDBY GUARDIAN OF THE PROPERTY.***		
	Has all the infant's financial information been included in 8a, 8b, and 8c?		
	NOTE: This information will be used to compare and verify the guardian's report on the first annual inventory and account.		
9.	**Has the appropriate box been checked as to when the authority of the standby guardian is to become effective?**		
10.	**Has the information regarding the petitioner's illness (i.e., date and source of medical diagnosis) been sufficiently provided?**		

PET ¶ #	DESCRIPTION	YES	NO
11.	**Has the information as to whether the infant is or is not a Native American Child been provided?** [The Indian Child Welfare Act of 1978 (25 USC §1901-1963]		
12.	**Verify whether petitioner indicated knowledge that the person nominated to be Standby Guardian has ever been the subject of or another person pursuant to Title 6 of Article 6 of the Social Services Law, or has been subject of or a respondent in a child protective proceeding commenced under Article 10 of the Family Court Act, which resulted in a court order finding that the child is an abused or neglected child.** [If petitioner has such knowledge, an affidavit needs to be attached explaining in detail]		
13.	**Check that Request for Information Guardianship form has been submitted with petition and includes all persons over the age of 18 in the household.**		
	NOTE: Some Courts may require submission of form DCJS-6, Fingerprint Card, for each proposed guardian in order to conduct a criminal record search.		
14.	**Has the appropriate box been checked as to whether or not the petitioner is able to attend any hearing scheduled by the Court?**		
15.	**Has any prior application been made to any Court for the relief requested herein?**		
	Under WHEREFORE Clause: has all relief requested been checked and completed?		
	a.) Has the type of Letters been checked?		
	Has all other information been deleted, if not applicable?		
	Is petition dated, signed, verified, properly notarized (including proper jurat and expiration date of notary's commission)?		
	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?		
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	When the parent or legal guardian of an infant(s) has a progressively chronic or fatal illness		1726
Always Required	•Petition for Guardianship •Birth Certificate •Request for Information Guardianship Form •Physician's Opinion •Affidavit and Consent of Proposed Standby Guardian •Decree Appointing a Standby Guardian	SG-1 OCFS-3909 SG-2 SG-5 SG-8	1726 207.15(a) 1706(2) 1726(6)(a) 1726(3) 1726(3)
Forms or Documents Sometimes Required	•Waiver, Renunciation and Consent •Guardianship Citation •Consent of Petitioner for Standby Guardian •Consent of Infant Over 14 •Confirmation Affidavit of Standby Guardian •Affidavit of Service •Affidavit of Due Diligence •Affidavit of Service (Personal/Mail/Publication) •Bond •Death Certificate of deceased spouse or parent •Copies of Divorce Decrees, Surrenders, Court Orders •Orders of Filiation •Fingerprint Card •Document by parent appointing/designating standby grdn.	SG-3 SG-4 SG-6 SG-7 SG-9 DCJS-6	1705 1705 1726(3)(e)(iii) 1706(1) 801(1)(b) 1726(4)(b)(iii)

COMMENTS AND COURT NOTES	Form Number	SCPA/EPTL§ or Rule #
Proofs of Service of Citation must be filed with the Court at least two (2) working days before the return date. 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). Guardian Ad Litem will be appointed on or before the return day of process for all unknowns and persons under disability (SCPA §403). Documents signed by Power of Attorney (Provide certified copy of POA and comply with Section 13-2.3 EPTL and 207.48 Uniform Rules). Check to be certain all documents are properly acknowledged.		

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BACKGROUND INFORMATION
STANDBY GUARDIANSHIPS
(pertains only to infants; does not include 17A's)
SCPA §1726

STANDBY GUARDIAN: Definition - for purposes of this proceeding a person judicially appointed pursuant to SCPA §1726(3) as standby guardian of an infant whose authority becomes effective upon the happening of an event specified in the order of appointment

BACKGROUND:

In 1992 the legislature enacted SCPA §1726 to allow a parent to nominate a standby guardian who could step into office upon the incapacity or death of the parent.

In 1994 the legislature amended the statute to make it equally applicable to legal guardians, as well as parents.

A standby guardian can be appointed by means of two methods:

1. Petition and Decree, pursuant to SCPA §1726(3)
2. Designation subject to later confirmation, pursuant to SCPA §1726(4)

APPOINTMENT BY PETITION & DECREE:

All the information required for the appointment of a guardian under SCPA §1704 is required, plus the parent must show that she has either "a progressively chronic illness" or an "irreversibly fatal disease". SCPA §1726(3)(b)(ii)

The petition **must** also specify whether the standby guardian takes office when the parent becomes incapacitated, when she dies, or when she consents to the guardian's assumption of office. SCPA §1726(3)(b)(i)

When the guardian takes office, the parent retains joint authority with the guardian. SCPA §1726(7)

NOMINATION OF STANDBY GUARDIAN:

Statute permits nomination by a written document rather than a court proceeding SCPA §1726(4)

This paper **must** be signed by the parent or legal guardian before two disinterested adult witnesses - SCPA §1726(4)

The appointment/designation may be filed with Surrogate's Court for safekeeping accompanied with any applicable fee and would be released only to the parent, the standby, or other persons directed by the court - SCPA §1726(8)(b)

The filing of the appointment/designation of a standby guardian in the court does not enhance its validity in any way - SCPA §1726(8)

THE STANDBY GUARDIAN CAN BEGIN TO SERVE WHEN:

- The attending doctor produces a determination of incapacity (definition found at SCPA §1726(1)(d))
- A determination of debilitation with the parent's consent (definition found at SCPA §1726(1)(c))

NOTE: these statements must be in writing, and must describe the parent's physical condition and prognosis.

- The standby guardian can petition for appointment on notice to the parent - SCPA §1726(5)

The standby guardian may act as guardian immediately upon the occurrence of one of these events, but if he/she fails to file a petition within sixty (60) days, his/her authority will cease.

- May also commence to serve if the parent consents - SCPA§ 1726(3)(e)(iii)

The parent has to sign the consent in the presence of two disinterested witnesses. The standby guardian has to file the written consent in the court within ninety (90) days.

TERMINATION OR REVOCATION:

If the parent recovers, the court may terminate the guardianship - SCPA §1726(3)(d)(iii)

A parent may revoke her designation, either by informing the standby guardian or, if the petition has been filed, by filing a written revocation in the court - SCPA §1726(4)(f); (3)(f)(g)

The court may rescind its decree appointing the standby guardian before he/she begins to serve if it finds that the appointment no longer serves the child's best interests - SCPA §1726 (3)(d)(iii)

Wrongful Death Compromise Settlement Proceeding Checklist

(see Surrogate's Court Form WD-2, rev. 4/98)
(see 22 NYCRR Uniform Rule §207.38)

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
Strike Any Paragraphs/Sections Which Do Not Apply
Check All Forms To Make Sure Venue Is Correct - Appropriate County Is Listed

PET ¶ #	DESCRIPTION	YES	NO
	Does this Surrogate's Court have jurisdiction over the proceeding?		
	NOTE: If an action has been commenced in Supreme Court - proof of disposition of the matter must be provided: withdrawal, discontinuance, Supreme Court order transferring action/part of action, etc.		
	Does the caption mirror the estate file name and appointee.		
1.	**Is the petitioner a proper party?** [see EPTL §5-4.6(a)]		
	Is the petitioner ... the appointed fiduciary		
	a personal representative		
2.	**Is the decedent's residence and persons resided with listed?**		
3.	**Is the date letters of guardianship were issued for any infant children listed?**		
	Are the names of the infant children listed as well as the name of the Court where the guardianship issued?		
	Is a copy of the letters of guardianship attached?		
	NOTE: A guardian must be appointed for any child receiving funds in excess of $10,000.[see SCPA §2220(1)]		
4.	**Is the date Limited Letters were issued, the decedent's name and mention of bond status listed?**		
5.	**Is the occupation of the decedent listed?**		
	Are the place of employment and address of employment listed?		
	Are the weekly earnings of the decedent listed?		
6.	**Are the age of the decedent and date of birth listed?**		
7.	**Are the date and time of the injuries which caused the decedent's death listed?**		
	Is the location of the place of injury listed?		
	NOTE: If the cause of action did not arise under New York law, the laws of the jurisdiction under which the cause of action arose must be established to the satisfaction of the Court.		
	Has the fatal incident been described?		
8.	**Is the name of the hospital listed?**		

PET ¶ #	DESCRIPTION	YES	NO
	Is the date, time of death and hospital stay detailed?		
	Are all the proceeds of the action to be allocated to wrongful death?		
	Is there an allocation for "conscious pain and suffering"?		
	NOTE: If any of the compromise settlement is to be attributed to "conscious pain and suffering" the court will require a full description of the injury/incident to include but not limited to: police reports, hospital records, affidavits, pleadings, discovery/investigation documents, etc.		
9.	**Are all defendents, court location, title, and type of any other action commenced listed?**		
	Is the name of the insurance company listed?		
	Is the amount of the settlement listed?		
	Is the maximum insurance policy coverage listed?		
10.	**Has a complete listing of the assets of the defendant(s) been provided?**		
11.	**This paragraph states that the settlement being compromised is the largest obtainable amount.**		
12.	**Are the petitioner's reasons for acceptance of the settlement listed?**		
13.	**Are the names of all survivors listed?**		
	Are the relationships of all survivors indicated?		
	Are the dates of birth of all survivors listed?		
	Are the present ages of all survivors indicated?		
14.	**Is the date the petitioner retained counsel indicated?**		
	Is a copy of the retainer agreement attached?		
	Affidavit of services must be attached (unless attorney's fees were previously approved by another court transferring action).		
	Are the proper amounts listed for: Attorney's disbursements?		
	Attorney's fees?		
	Additional disbursements?		
15.	**Are the following statistics indicated?**		
	Decedent's age and date of birth		
	Decedent's date of death and life expectancy		
	Petitioner's date of birth and life expectancy		

PET ¶ #	DESCRIPTION	YES	NO
15. cont.	All distributee's names, age as of decedent's date of death, anticipated years of dependency and percent of net amount of settlement (Kaiser formula may apply)		
	If a structured settlement, set forth cost of any annuity		
	If parents are sole distributees and distribution is unequal, give reasons		
	NOTE: Where recovery or part thereof is allocated to conscious pain and suffering, the proceeds pass through the decedent's estate either in accordance with the provisions of the will, or in the event of intestacy, in accordance with EPTL §4-1.1.		
16.	Are all infant distributees listed?		
17.	This paragraph states that petitioner waives statutory commissions and filing of a surety bond.		
18.	Is cost of decedent's funeral bill listed?		
	Is copy of paid bill attached?		
	Are any hospital/medical bills listed as outstanding?		
18a.	Are the facts of any social services claim detailed?		
18b.	Are the facts of any creditor's claims detailed?		
18c.	If a pecuniary loss by a parent is being sought, has that been indicated?		
19.	Is information as to decedent receiving public assistance in form of Aid to Dependent Children provided?		
20.	Has any previous application been made for same type of relief?		
21.	Has the name of the insurance company and the claim holder been listed?		
	Has a request been made by the fiduciary to close the estate?		
22.	Are the names, relationships, and addresses of all interested parties listed?		
	NOTE: Interested parties may include but are not limited to - Husband, Wife, Administrator or Administratrix, Executor or Executrix, Daughter, Son, Father, Mother, Alleged Creditor, Department of Social Services, New York State Tax Commission, Insurance Company, Additional Defendants.		
	Are all persons under disability and/or infants under the age of fourteen indicated? A complete statement of the nature and extent of the disability other than infancy of distributees must be attached.		
	NOTE: A guardian ad litem may be appointed for any person listed in the petition as a person under disability. If the person under disability appears by a guardian of the property, committee, conservator or guaridan of the property pursuant to Article 81 of the Mental Hygiene Law whom the Court finds has no adverse interest, no guardian ad litem is necessary.		
23.	Are all persons/agencies required to be cited indicated with name and address?		

PET ¶ #	DESCRIPTION	YES	NO
23. cont.	**Under WHEREFORE Clause: has all relief requested been checked and completed?**		
	Has any relief not applicable been struck out?		
	Is petition dated, signed, verified, properly notarized (including proper jurat and expiration date of notary's commission)?		
	Is attorney's name, address and phone number listed?		
	Has Part 130 Certification been completed?		
	if NOT, has a separate attorney certification as to Part 130 signing requirements been included?		
If forms are computer generated, has a certification pursuant to Court Rules §207.4 been attached?			

FEE SCHEDULE	SCPA/EPTL§ or Rule #
Has the proper fee been included with the petition? Filing fee is according to the following schedule based upon the gross value of the compromise settlement - see SCPA §2402(6) 0 but under 10,000 $ 45.00 10,000 but under 20,000 75.00 20,000 but under 50,000 215.00 50,000 but under 100,000 280.00 100,000 but under 250,000 420.00 250,000 but under 500,000 625.00 500,000 and over 1,250.00	2402

COMMENTS AND COURT NOTES		Form Number	SCPA/EPTL§ or Rule #
When Permitted	Whenever the interests of an estate require the approval of an offer of settlement in a wrongful death proceeding and/or personal injury proceeding.		5-4.6 5-4.1 5-4.3
Forms Always Required	•Wrongful Death Petition •Attorney's Affidavit •Waiver and Consent/Citation for Tax Department •Proposed Decree	WD-2 WD-4 WD-7	
Forms or Documents Sometimes Required	•Wrongful Death Citation •Account •Waiver and Consent for Insurance Company •Waiver and Consent for Individual •Copy of Supreme Court Order (in transferred actions) •Affidavit of Service (Personal/Mail/Publication) •Bond •Copy of Kaiser Formula •Tax Discharge of Liability Letter	WD-1 WD-3 WD-5 WD-6	5-4.4

Make sure all waivers and consents from distributees/beneficiaries are on the official form including all necessary wherefore clauses from petition.

Proposed Citation must include all relief requested in petition wherefore clauses.

Proofs of Service of Citation must be filed with the Court at least two (2) working days before the return date.

Guardian Ad Litem will be appointed for interested parties under a disability. Guardian ad litem will be appointed on or before the return day of process for all unknowns and persons under disability (SCPA §403).

Documents signed by Power of Attorney (Provide certified copy of POA and comply with Section 13-2.3 EPTL and 207.48 Uniform Rules).

Check to be certain all documents are properly acknowledged.

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Informal Accounting with/without Decree Proceeding Checklist

(see Surrogate's Court Form JA-2, rev. 12/96)

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
Strike Any Paragraphs/Sections Which Do Not Apply
Check All Forms To Make Sure Venue Is Correct - Appropriate County Is Listed

PET ¶ #	DESCRIPTION	YES	NO
	CHECK WITH THE COURT YOU ARE FILING WITH AS TO SPECIFIC CLOSING REQUIREMENTS.		
	Has more than seven months passed since letters of appointment were issued?		
	NOTE: If an action for this estate was ever commenced in Supreme Court - proof of disposition of the matter must be provided: withdrawal, discontinuance, Supreme Court order, etc.		
	Have any claims been filed with the Surrogate's Court?		
	NOTE: If claims are on file, the court will not accept any type of informal accounting until the creditor issue has been resolved through: the filing of general releases or satisfactions; a hearing was held previously to determine the validity of the claim(s) which were deemed invalid; the claim(s) have been withdrawn.		
	Are all residuary beneficiaries of sound mind and body and of legal age?		
	Are any residuary beneficiaries under a disability?		
	NOTE: If any residuary beneficiaries are under a disability you must do a formal accounting and a guardian ad litem must be appointed.		
	Has a guardian been appointed for any minor child receiving more than $10,000?		
	NOTE: A guardian must be appointed for any child receiving funds in excess of $10,000. Proof of payment to a minor receiving funds of $10,000 or less may be substantiated by having a parent sign a receipt and release.		
	Does the inventory of assets reflect that no tax return filing was required?		
	Has a tax return been filed with the Court?		
	Has a tax discharge of liability letter been filed with the Court?		
	Have receipts/releases been filed for all specific bequests and/or legacies?		
	If certain bequests or legacies have not been satisfied, has an affidavit with sufficient details as to the circumstances been filed?		
	Have receipts/releases been filed from all residuary beneficiaries?		
	Are you requesting that the informal documents settling an account be recorded?		
	Has the appropriate $5 per page recording fee been enclosed? [see SCPA §2402(4)]		

PET ¶ #	DESCRIPTION	YES	NO
	NOTE: For the purposes of an informal accounting the term Receipt/Release may include but is not limited to the following types of documents: ***•Waiver-Receipt and Release*** ***•Release and Discharge*** ***•Agreement and Assignment*** ***•Indemnity Agreement*** ***•Receipt and Discharge*** ***•Release*** ***•Receipt and Waiver*** ***•Trustee Release*** ***•Partial Receipt and Release*** ***•Receipt-Release and Discharge*** ***•Release of Residuary Share*** ***•Voluntary Release and Discharge*** ***•Receipt and Release (form JA-2)*** ***•Attorney/Fiduciary Affidavit of Informal Settlement*** ***•Release Settling Account*** ***•Executor's Release*** ***•Release-Receipt and Waiver*** ***•Receipt*** ***•Release of Fiduciary*** ***•Satisfaction*** ***•Agreement Settling Account*** ***•Release of Distributive Share*** ***•Receipt-Release and Agreement*** ***•Receipt-Release and Refunding Agreement*** ***•Voluntary Receipt and Discharge***		
	Has the appropriate fee been enclosed for any account form submitted to the Court?		
	NOTE: Under SCPA §2402(4) the Surrogate's Court is obliged to collect a filing fee on any document recorded or filed which contains an informal statement of account. This fee includes the filing and recording of such instruments. An informal statement of account and/or attorney's affidavit of services may be required by some courts which may also waive the statutory filing fee.		
	NOTE: Under SCPA §2402(5) the Surrogate's Court is obliged to collect a filing fee for any proceeding requesting a Decree Settling Accounts. The fee is based on the informal statement of account filed. If no statement of account is filed the fee will be based on the tax return or inventory amount.		
	Are you requesting a decree settling the informal account? (see SCPA §2203)		
	If requesting a decree - has the necessary petition been filed?		
	Are the names and post office addresses of all interested parties listed?		
	Is there a statement that all taxes have been paid or that no taxes were due?		
	Is there a statement that the petitioner has fully accounted and made full disclosure in writing of the administration of the estate to all interested parties?		
	Is there a statement that the petitioner is seeking a decree releasing and discharging the fiduciary?		
	Is there a statement that the fiduciary's letters have not been revoked and the fiduciary has not been removed?		
	Is there a statement that the time to present claims has expired and that all known debts and administrative expenses have been paid?		
	If this is a trusteeship accounting - is there a statement whether or not the trust has been fully executed?		
	If this is a guardianship accounting is there a statement whether the infant has reached majority or has died?		

PET ¶ #	DESCRIPTION	YES	NO
	Have acknowledged instruments accompanying the petition been executed by all interested parties or their guardian, committee, conservator or designated payee and do they contain a statement approving the account and releasing and discharging the petitioner?		
	Is petition dated, signed, verified, properly notarized (including proper jurat and expiration date of notary's commission)?		
	Is the attorney's signature, name, address and phone number listed?		
	Is there a Part 130 Certification?		
	Has the proposed decree settling informal account been submitted to the Court?		
	Does the proposed decree contain language releasing and discharging the fiduciary, or the sureties of the bond, from any further liability?		
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 the proceeding?	2402
Filing fee is according to the following schedule based upon:	
the subject matter of an informal statement of account that has been filed	2402(4)
or the value of the estate's tax return/inventory when a petition for Decree on Filing Instruments Approving Accounts has been submitted	2402(5)
0 but under 10,000 $ 45.00	
10,000 but under 20,000 75.00	
20,000 but under 50,000 215.00	
50,000 but under 100,000 280.00	
100,000 but under 250,000 420.00	
250,000 but under 500,000 625.00	
500,000 and over 1,250.00	
Recording fee for instruments releasing and discharging a fiduciary but which do not contain any statement of account is	
$6.00 per page	2402(4)

COMMENTS AND COURT NOTES		Form Number	SCPA/EPTL§ or Rule #
When Permitted	Whenever distribution can be made by agreement of all parties concerned by the filing of receipts and releases concerning the accounting.		
Forms Always Required	•Receipts and Releases (or similar documents)	JA-2	
Forms or Documents Sometimes Required	•Petition •Varied Titled Receipts and Releases (see note above) •Proposed Decree Approving Informal Accounting •Final Report •Tax Discharge of Liability Letter •Tax Department Waiver •Statement of Account •Attorneys Affidavit of Services •Waiver/Consent from State Attorney General •Waiver and Consent for Individual •Copy of Supreme Court Order		2203(2) 207.42

Documents signed by Power of Attorney (Provide certified copy of POA and comply with Section 13-2.3 EPTL and 207.48 Uniform Rules).

Check to be certain all documents are properly acknowledged.

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.

Judicial Settlement of Account Proceeding Checklist

(see Surrogate's Court Form JA-1, rev. 12/96)

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
Strike Any Paragraphs/Sections Which Do Not Apply
Check All Forms To Make Sure Venue Is Correct - Appropriate County Is Listed

PET ¶ #	DESCRIPTION	YES	NO
	Does this Surrogate's Court have jurisdiction over the proceeding?		
	NOTE: If an action has been commenced in Supreme Court - proof of disposition of the matter must be provided: withdrawal, discontinuance, Supreme Court order transferring action/part of action, etc.		
	Does the caption mirror the estate file name and appointee?		
	Is the correct type of account checked? [and has the correct account form been used?]		
1.	**Is the petitioner a proper party?** [see SCPA §2208]		
	Is the petitioner ... the appointed fiduciary		
	the appointed guardian		
	the appointed trustee		
	a fiduciary of a deceased fiduciary [see SCPA §2207]		
	Is the petitioner's name, residence and mailing address listed?		
	Is the type of letters and date of issuance listed?		
	Is the amount of bond and name of surety listed, if applicable?		
	Are additional petitioner's information listed, if applicable?		
2.	**Is the decedent's name, date of death and domicile listed?**		
3.	**Are the dates which cover the account and gross sum of account listed?**		
4a.	**Has all tax information been listed?**		
4b.	**Has a tax return been filed?**		
4b.	**Was there no tax proceeding requirement for this estate?**		
	NOTE: Some courts may require a notice of appearance/waiver/consent form from the tax department (as an interested party) if a tax discharge letter is not on file.		
5.	**Has seven months passed since letters were issued?**		
	Were letters issued to the petitioner(s) revoked?		
	Has more than one year passed since a preceding account was filed?		

PET ¶ #	DESCRIPTION	YES	NO
6a.	**Are the names and mailing addresses of all interested parties listed?**		
6b.	**Are the names of any interested persons under a disability listed?**		
	NOTE: Interested parties may include but are not limited to the following: unpaid creditors or persons claiming to be creditors, surety of the bond, co-fiduciaries not joining in petition, successor fiduciary of petitioner removed or suspended, state attorney general [see EPTL §8-1.4], distributees, beneficiaries, legatees, devisees, trustees, trust beneficiaries, guardians, infants over the age of fourteen, fiduciaries of deceased beneficiaries or all distributees of deceased beneficiaries if fiduciary has not been appointed, guardian ad litems, chief fiscal officers/county treasurers.		
	NOTE: A guardian ad litem may be appointed for any person listed in the petition as a person under disability. If the person under disability appears by a guardian of the property, committee, conservator or guaridan of the property pursuant to Article 81 of the Mental Hygiene Law whom the Court finds has no adverse interest, no guardian ad litem is necessary.		
7.	**This paragraph states that there are no additional interested parties.**		
8.	**This paragraph states that there are no prior applications made in any court for the relief requested in this petition.**		
	Under WHEREFORE Clause: has all relief requested been checked and completed?		
	Has any relief not applicable been struck out?		
	Is petition dated, signed, verified, properly notarized (including proper jurat and expiration date of notary's commission)?		
	Is attorney's name, address and phone number listed?		
	Has Part 130 Certification been completed?		
	if <u>NOT</u>, has a separate attorney certification as to Part 130 signing requirements been included?		
If forms are computer generated, has a certification pursuant to Court Rules §207.4 been attached?			

ACCOUNT FORMS - SCHEDULE REQUIREMENTS			
	USE THE CORRECT ACCOUNT FORM [JA-4 or JA-7] AND MATCHING SUMMARY STATEMENT - Certain Accounts may not use all of the following schedules.		
	List proper title of matter, correct accounting type, dates for period of account; page number where each schedule starts must be listed		
A	**PRINCIPAL RECEIVED**		
	Itemized statement of all moneys and personal property constituting principal assets with their date of receipt or acquisition		

	Proceeds of sale of real property including a copy of the closing statement		
	Do not include total amount of principal assets exchanged which would incorrectly inflate gross account total (such as stocks sold to buy other stocks, bank accounts transferred to other banks or alternate types of accounts, etc. - these are reported under Schedule B (if no loss/gain) or Schedule F		
A-1	**REALIZED INCREASES**		
	Actual increases due to sales, liquidation or distribution of principal assets		
	Realized increases on new investments or exchanges		
	Detail date increase was realized and identify property from which increase was derived		
A-2	**INCOME COLLECTED**		
	Report all Interest		
	Report all Dividends		
	Report all Rents		
	Report any other income		
	Each receipt must be separately accounted for and identified except where a security has been held for an entire year, then interest or ordinary dividends may be reported on a calendar year basis		
B	**REALIZED DECREASES**		
	Full and complete statement of all realized decreases on principal assets whether due to sale, liquidation, collection or distribution, or any other reason		
	Show decreases on new investments or exchanges and also sales, liquidations or distributions that result in neither gain nor loss		
	Show date of realization of each decrease and identify property from which decrease was incurred		
	Report any asset which the fiduciary intends to abandon as worthless accompanied by a full statement of the reasons for abandoning it		
C	**FUNERAL AND ADMINISTRATION EXPENSES AND TAXES; FUNERAL AND ADMINISTRATION EXPENSES AND TAXES CHARGED TO PRINCIPAL**		
	Itemized statement of all moneys chargeable (to principal) and paid for funeral, administration and other necessary expenses, together with date and reason for each expenditure		
	Consolidate similar expenditures (funeral expenses, taxes, accountant fees, legal fees, filing fees, commissions, other)		
	Where will directs all inheritance and death taxes are to be paid out of the estate, credit for payment of the same should be taken in this schedule		

C-1	**UNPAID ADMINISTRATION EXPENSES**		
	Itemized statement of all unpaid claims for administration and other necessary expenses		
	Include a statement as to the basis of each claim		
C-2	**ADMINISTRATION EXPENSES CHARGEABLE TO INCOME**		
	Itemized statement of all moneys chargeable to income and paid for administration, maintenance and other expenses, together with date and reason for each such expenditure		
D	**CREDITOR'S CLAIMS** - ***does not apply in trustee's account***		
	List claims presented, allowed, paid and credited and appearing in the summary statement together with the date of payment		
	List claims presented and allowed but not paid		
	List claims presented but rejected and the date of and reason for such rejection		
	List contingent and possible claims		
	List personal claims requiring approval by the court pursuant to SCPA §1805		
	If estate is insolvent - preference of claims should be stated with the order of their priority		
E	**DISTRIBUTIONS OF PRINCIPAL; DISTRIBUTIONS MADE**		
	Itemized statement of all moneys paid and all property delivered (from principal) to beneficiaries, legatees, trustees, surviving spouse or distributees of the deceased, date of payment or delivery and name of the person to whom payment or delivery was actually made		
	If estate taxes were required to be apportioned and payments have been made on account of the taxes, the amounts apportioned in Schedule K against beneficiaries of the estate shall be charged against the respective individuals share		
E-1	**DISTRIBUTIONS OF INCOME**		
	Itemized statement of all moneys paid and of property delivered out of income to the beneficiaries, the date of payment or delivery and the name of the person to whom payment or delivery was made		
	Distributions of income to any one beneficiary may be reported by the calendar year		
F	**NEW INVESTMENTS, EXCHANGES AND STOCK DISTRIBUTIONS**		
	Itemized statement of all new investments with date of acquisition and cost of all property purchased		
	Itemized statement of all exchanges made, specifying dates and items received and items surrendered		

	Itemized statement of all stock dividends, stock splits, rights and warrants received, showing securities to which each relates and their allocation as between principal and income		
G	**PRINCIPAL REMAINING ON HAND; PERSONAL PROPERTY REMAINING ON HAND**		
	Itemized statement showing all property constituting principal remaining on hand		
	Statement of all uncollected receivables and property rights due the estate		
	Show date and cost of all such property acquired by purchase, exchange or transfers made or received, together with date of acquisition and cost - indicate such sums in appropriate lines of the summary schedule		
	Show all unrealized increases and decreases relating to assets on hand and report the same in the appropriate places in the summary schedule		
G-1	**INCOME REMAINING ON HAND**		
	Statement showing all undistributed income		
H	**INTERESTED PARTIES AND PROPOSED DISTRIBUTION**		
	List names of all persons/parties entitled as beneficiary, legatee, devisee, trustee, surviving spouse, distributee, unpaid creditor or otherwise to a share of the estate or fund with their post office addresses and the degree of relationship if any of each to the deceased and a statement showing the nature of the value or approximate value of the interest of each person/party		
	Enclose statement that court records have been searched for powers of attorney and assignments and encumbrances made and executed by any of the persons interested in or entitled to a share of the estate		
	Enclose a list detailing each power of attorney, assignment and incumbrance, disclosed by such search, with the date of its recording and the name and address of each attorney in fact of each assignee and of each person beneficially interested under the encumbrance referred to in the respective instruments		
	Enclose statement as to whether accounting party has any knowledge of the execution of any such power of attorney or assignment not so filed and recorded		
I	**COMPUTATION OF COMMISSIONS**		
	Compute the amount of commissions due upon this account pursuant to SCPA §2307		
	Specifically bequeathed property or very specific legacies can not be included in commission computations		

J	OTHER PERTINENT FACTS AND CASH RECONCILIATION		
	State all other pertinent facts affecting the administration of the estate and the rights of those interested therein		
	Include statement of any real property left by the decedent that it is not necessary to include as an estate asset to be accounted for, a brief description thereof, its gross value, and the amount of mortgages or liens thereon at the date of death of the deceased		
	Include a cash reconciliation in this schedule so that verification with bank statements and cash on hand may be readily made		
K	**ESTATE TAXES PAID AND ALLOCATION OF ESTATE TAXES**		
	State all estate taxes assessed and paid with respect to any property required to be included in the gross estate under the provisions of the Tax Law or under the laws of the United States		
	Include a computation setting forth the proposed allocation of taxes paid and to be paid and the amounts due the estate from each person in whose behalf a tax payment has been made, and also the proportionate amount of the tax paid by each of the named persons interested in this estate or charged against their respective interest, as provided in EPTL §2-1.8		
	Where an allocation of taxes is required, the method of computing the allocation of said taxes must be shown in this schedule		

FEE SCHEDULE	SCPA/EPTL§ or Rule #
Has the proper fee been included with the petition? Filing fee is according to the following schedule based upon the gross value of the principal (and income) - see SCPA §2402(5) 0 but under 10,000 $ 45.00 10,000 but under 20,000 75.00 20,000 but under 50,000 215.00 50,000 but under 100,000 280.00 100,000 but under 250,000 420.00 250,000 but under 500,000 625.00 500,000 and over 1,250.00	2402

COMMENTS AND COURT NOTES		Form Number	SCPA/EPTL§ or Rule #
When Permitted	Whenever the interests of an estate require judicial approval of an account of the estate proceeding.		2208

COMMENTS AND COURT NOTES		Form Number	SCPA/EPTL§ or Rule #
Forms Always Required	•Petition for Judicial Settlement of Account •Trust Accounting or •Non-trust Accounting •Proposed Decree		
Forms or Documents Sometimes Required	•Copies of Will, Codicils, Trust Agreements •Receipt and Release •Waiver of Citation and Consent in Accounting •Citation •Waiver and Consent from State Attorney General •Waiver and Consent from State Tax Department •Copy of Supreme Court Orders •Affidavit of Service (Personal/Mail/Publication) •Tax Discharge of Liability Letter		

Account forms must include a summary statement and an affidavit of the accounting party.

Waivers and consents must recite fact that party received a summary statement of the account. Any party is entitled to request a complete copy of the account from the petitioner.

Make sure all waivers and consents from interested parties are on the official form including all necessary wherefore clauses from petition.

Proposed Citation must include all relief requested in petition wherefore clauses.

Proofs of Service of Citation must be filed with the Court at least two (2) working days before the return date.

Guardian Ad Litem will be appointed for interested parties under a disability. Guardian ad litem will be appointed on or before the return day of process for all unknowns and persons under disability (SCPA §403).

Documents signed by Power of Attorney - provide certified copy of POA and comply with Section 13-2.3 EPTL and 207.48 Uniform Rules.

Check to be certain all documents are properly acknowledged.

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.

Compulsory Accounting and Related Relief Proceeding Checklist

(see Surrogate's Court Form JA-10, rev. 1/2004)

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
Strike Any Paragraphs/Sections Which Do Not Apply
Check All Forms To Make Sure Venue Is Correct - Appropriate County Is Listed

PET ¶ #	DESCRIPTION	YES	NO
	Does the caption mirror the estate file name and appointee?		
1.	**Is the petitioner a proper party?** [see SCPA §2205(2)]		
	Is the petitioner ... a creditor		
	a person interested [see SCPA 103(39)]		
	a public administrator or county treasurer		
	a person on behalf of an infant or child born after the making of the will		
	a fiduciary of a deceased person interested		
	a surety on the bond of the fiduciary		
	a successor fiduciary or a remaining fiduciary		
	a co-fiduciary after the filing of an account and petition for judicial settlement		
	the attorney general of the state where any part of the estate may escheat to the state of New York		
	Is the petitioner's name, address and citizenship listed?		
2.	**Is the decedent's date of death listed?**		
3.	**Is the type of letters, county and date of issuance listed?**		
	Is fiduciary's name and address listed?		
4.	**Check that fiduciary has not filed an account.**		
5.	**Is the interest of the petitioner and reasons for requesting a compulsory accounting described?**		
6.	**If additional relief other than a compulsory accounting is requested, are the names, addresses and nature of interest of all parties listed?** [see SCPA §2206(2)]		
	Under WHEREFORE Clause: has all relief requested been checked and completed?		
	Has any relief not applicable been struck out?		

PET ¶ #	DESCRIPTION	YES	NO
	Is petition dated, signed, verified, properly notarized (including proper jurat and expiration date of notary's commission)?		
	Is attorney's name, address and phone number listed?		
	Has Part 130 Certification been completed?		
	if NOT, has a separate attorney certification as to Part 130 signing requirements been included?		
If forms are computer generated, has a certification pursuant to Court Rules §207.4 been attached?			

FEE SCHEDULE	SCPA/EPTL§ or Rule #
Has the proper fee been included with the petition? Filing fee is according to SCPA §2402(8)(a) **$30.00**	2402

COMMENTS AND COURT NOTES		Form Number	SCPA/EPTL§ or Rule #
When Permitted	On Court's own motion or by petition of proper party.		2205
Forms Always Required	•Petition for a Compulsory Accounting and Related Relief •Compulsory Accounting Citation	JA-10 JA-9	
Forms or Documents Sometimes Required	•Order Directing Compulsory Accounting •Affidavit of Service of Citation •Copy of Supreme Court Order (proof of disposition of the matter must be provided: withdrawal, discontinuance, order transferring action/part of action, etc.)		

Proposed Citation must include all relief requested in petition wherefore clauses.

Proofs of Service of Citation must be filed with the Court at least two (2) working days before the return date.

Documents signed by Power of Attorney - provide certified copy of POA and comply with Section 13-2.3 EPTL and 207.48 Uniform Rules.

Check to be certain all documents are properly acknowledged.

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.

Private Placement Adoption Proceeding Checklist

(see Surrogate's Court Form 1-C, rev. 9/06)
[references DRL §§111, 111-a, 112, 115, and SCPA §1725(1)]

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

NOTE: If adoptive child has resided with adoptive step-parent and birth parent less than one year, a petition for certification (Form 22) must be filed. [See D.R.L. §115-d(8)]

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

NOTE: Check SCPA §1725 to see if you need to do a Temporary Guardianship (Form 21-A) by adoptive parents, prior to the adoption.

PET ¶ #	DESCRIPTION	YES	NO
BE SURE THE SURNAME OF THE CHILD IS NOT LISTED IN ANY DOCUMENT HEADING.			
1	**Is the name of the first petitioning adoptive parent filled in?** See Domestic Relations Law.		
1(a)	**Is the residency of the adoptive parent, including county listed?**		
	NOTE: The proposed adoptive parent(s) must reside in the county, or if the proposed adoptive parent(s) do not reside in New York State, the child must reside in the county.		
1(b)	**Is the age and date of birth listed?**		
	NOTE: At least one of the petitioners must be over eighteen (18) years of age.		
1(c)	**Is the marital status and living arrangements filled in?**		
1(d)	**Is the adoptive parent's religious faith filled in?** See Social Services Law §373.3.		
1(e)	**Is the occupation and earnings of the adoptive parent filled in?**		
	NOTE: If any monies are received from the Commissioner of Social Services on behalf of the adoptive child that amount must be included.		
2	**Follow above instructions in #1 for second adoptive parent.**		
2(a)	**Follow above instructions in #1(a).**		
2(b)	**Follow above instructions in #1(b).**		
2(c)	**Follow above instructions in #1(c).**		
2(d)	**Follow above instructions in #1(d).**		
2(e)	**Follow above instructions in #1(e).**		

PET ¶ #	DESCRIPTION	YES	NO
3	**Is the full name, date and place of birth of the adoptive child noted?**		
	NOTE: A certified copy of the child's birth certificate from the official registrar must be attached to the petition.		
4	**Is the child's religious faith, if any, noted?** See Social Services Law §373.3		
5(a)	**Is the name and address of the birth or legal parents of the adoptive child listed?**		
5(b)	**Is the age and date of birth of the birth or legal parents of the adoptive child listed?**		
5(c)	**Is the heritage (specific nationality, ethnic background, race) of the adoptive child listed?**		
5(d)	**Is the religious faith, if any, of the birth or legal parents of the adoptive child listed?** See Social Services Law §373.3.		
5(e)	**Is the education (specific number of years of school, or degrees completed at time of birth of adoptive child) of the birth or legal parents of the adoptive child listed?**		
5(f)	**Is the height, weight, hair color, eye color, skin of the birth or legal parents listed?**		
5(g)	**Is Form 1-D, which provides health and medical history at time of birth of adoptive child, including conditions or diseases believed to be hereditary and any drugs or medications taken during pregnancy by the child's mother annexed to the petition?**		
	NOTE: Some courts may require additional separate forms as to medical history of the birth mother and birth father.		
5(h)	**Are the talents, hobbies and special interests of the birth or legal parents of the adoptive child listed?**		
6	**Is the manner in which the adoptive parent(s) obtained the adoptive child noted?** See Domestic Relations Law §115(1)(a).		
7	**Has the time span the adoptive child has resided with the adoptive parents been indicated?**		
8	**Has the names and dates of birth of other persons living in the household been indicated?**		
9	**If the adoptive child's name is to be changed, is the proposed name listed and spelled correctly?**		
10	**Is it stated whether the adoptive child has or has not been previously adopted?**		

PET ¶ #	DESCRIPTION	YES	NO
11	**Are the name(s) and address(es) of any person(s) having lawful custody of the adoptive child, if known, listed?**		
12 (a-d)	**Does the petition set forth that all necessary consents are attached or have sufficient facts been detailed for the Court to dispense with the consent(s).** See Domestic Relations Law §109(6), §111, §111-a, §115, §115-b. Use appropriate consent form(s): 2D, 2F, 2Fa, 2G or 2Ga.		
	NOTE: Some courts may dispense with consent(s) only after a citation has been issued and properly served.		
	NOTE: If the adoptee is over eighteen (18) years of age, the consent of the natural parent(s) is not required.		
13 (a-b)	**Has the name(s) of the consenting birth or legal parent(s) been listed with the date of the consent(s); if extra-judicial, has the correct 45th date been noted?** See D.R.L. §115-b(3).		
14	**This paragraph states that on information and belief that the named court in an extra-judicial consent has not received any written notice of revocation and that more than 45 days have elapsed.**		
15	**If there has been a guardian (general or testamentary) named for the adoptive child, has the nature, date and place of appointment been listed?**		
16	**Have the names of any further interested persons entitled to notice been listed along with their relationship?** See D.R.L. §111(3) and §111-a.		
17	**Check appropriate boxes and submit form 1-E if required.**		
18	**Make sure that Form 1-D has been attached with child's medical information along with any other medical forms required by court.**		
19	**If child was brought from another state has proper documentation been attached from the Interstate Compact?** See S.S.L. §374-a and §382.		
20(a)	**Is it indicated whether there is any knowledge of child abuse or maltreatment involving the child or the adoptive parent?** See S.S.L. §412.		
	NOTE: Form DSS-4156 must be submitted.		
20(b)	**Is it indicated whether any adult residing in the adoptive parent(s) household has a criminal record?**		
	NOTE: Fingerprint cards (Form DCJS-6 rev. 1/89) must be submitted.		
21	**Is it indicated whether there are any prior or pending proceedings affecting this adoptive child? If so, has sufficient information been provided?**		
22	**Is it indicated whether the adoptive child is an Indian (Native American) child?** See 25 U.S.C. §§1901-1963.		

PET ¶ #	DESCRIPTION	YES	NO
23	**Have any additional allegations been indicated?**		
	Check that the "Wherefore" clause lists all relief requested including the correct listing and spelling of a change in the adoptive child's name.		
	Is petition dated, signed, verified, properly notarized (including proper jurat and expiration date of notary's commission)? **Is attorney's name, address and phone number listed?** **Has Part 130 Certification been completed?** **if NOT, has a separate attorney certification as to Part 130 signing requirements been included?**		
If forms are computer generated, has a certification pursuant to Court Rules §207.4 been attached?			

ADDITIONAL ADOPTION DOCUMENT REQUIREMENTS			
	Certified Birth Certificate of Adoptive Child (from official registrar)		
	Certified copy of marriage record of the adoptive parents.		
	Confidential Affidavit with certified copies of divorce decrees.		
	Photocopies of adoptive parent's birth certificates.		
	Doctor's certificate of health for adoptive parents and adoptee (examinations must be done within six months of filing petition).		
	Report of Adoption (Form VS-43 10/71). [If adoptee was born in another state the report of adoption form should be obtained from that state's vital statistics bureau.]		
1-C	Petition for Adoption		
1-Ca	Affidavit of Change in Circumstances (required if there has been a change in circumstances since certification).		
1-D	Child's Medical History (with additional birth parent health information required by Court).		
1-E	Affirmation Regarding Venue		
1-F	Determination of Family Court Judge Regarding Venue		
1-G	Order Regarding Venue		
2-B	Agreement of Adoption.		
2-D	Consent of Child Over 14		

2-E	Affidavit & Consent of Person having Lawful Custody of adoptee other than birth or legal parent.		
	Affidavit of Paternity (if applicable).		
2-F	Judicial Consent (consent taken before judge of birth or legal parent relinquishing parental rights)		
Additional Adoption Documentation Requirements (continued)			
2-Fa	Judicial Consent (consent taken before judge of birth or legal parent consenting to step-parent adopting child)		
2-G	Extrajudicial Consent (consent taken before notary of birth or legal parent relinquishing parental rights)		
2-Ga	Extrajudicial Consent (consent taken before notary of birth or legal parent consenting to step-parent adopting child)		
6-B	Order for Investigation		
7	Report of Investigation by Probation Department or Social Services		
8-B	Affidavit of Identifying Party (where affiant is not the attorney of record)		
8-C	Affidavit of Identifying Party (where affiant is the attorney of record)		
	Affirmation (by attorney of record) [with attached retainer agreement]		
9-B	Affidavit of Financial Disclosure - Parents		
	Attorney's Affidavit (Form UCS-836) [an index number from the Court is required before mailing original affidavit to Office of Court Administration with a copy to Court - OCA requires that a 3"x5" postcard be supplied with affidavit for return notice of state tracking number, the postcard must be filed with Court.]		
10-B	Supplemental Affidavit		
	Narrative Affidavit by adoptive parent(s) (if required by court)		
13-B	Order of Adoption (proposed)		
15-A	Application for Certified Copy of Adoption Order (before sealing of records)		
15-B	Order for Certified Copy of Adoption Order (before sealing of records)		
CERTIFICATION DOCUMENTATION REQUIREMENTS			
22	Petition (Certification as a Qualified Adoptive Parent)		
	Certified Birth Certificate (from official registrar)		
	Consents to Adoption (if applicable)		
	Certified copy of Marriage Certificate		
	Affidavit of Prior Marriages (if required by court)		

	Certified copies of divorce decrees.		
	DSS-4156 Request for Information		
	Fingerprint Cards		
23	Affidavit and Report (of Disinterested Person)		
TEMPORARY GUARDIANSHIP DOCUMENTATION REQUIREMENTS			
21-A	Petition for Temporary Guardianship		
2-F	Judicial Consent (Natural Parent) [copy to be attached to petition]		
21-E	Affidavit (Change of circumstances since certification as qualified adoptive parent)		

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.

Agency Adoption Proceeding Checklist

(see Surrogate's Court Form 1-A, rev. 9/06)
[references DRL §§111-a(1), 112]

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

NOTE: DRL §112-a and 22 NYCRR 207.62 require expeditious calendaring of agency adoption hearings. The mandated time schedules begin to run "upon the filing of the adoption." The adoption is deemed filed upon receipt by the Clerk of the following: Petition (Form 1-A), Child's Medical History (Form 1-D), Agency's Verified Schedule (Form 1-B), any required agreements and consents (Form 2-A, surrender[s]), completed DSS Request for Information Form, and Certificate of Readiness.

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
BE SURE THE SURNAME OF THE CHILD IS NOT LISTED IN ANY DOCUMENT HEADING.			
NOTE: to determine the Court's jurisdiction - the petition must be filed in the county where termination of parental rights or judicial surrender proceedings are pending; in any other agency adoption proceeding, the petition must be filed in the county in which parental rights have been terminated or a judicial surrender was approved or in the county where the adoptive parent(s) reside or if such parents do not reside in the state in the county where the authorized agency has its principal office. [DRL §113(3)].			
1	**Is the name of the first petitioning adoptive parent filled in?** See Domestic Relations Law.		
1(a)	**Is the residency of the adoptive parent, including county listed?**		
1(b)	**Is the age and date of birth listed?**		
	NOTE: At least one of the petitioners must be over eighteen (18) years of age.		
1(c)	**Is the marital status and living arrangements filled in?**		
1(d)	**Is the adoptive parent's religious faith filled in?** See Social Services Law §373.3.		
1(e)	**Is the occupation and earnings of the adoptive parent filled in?**		
	NOTE: If any monies are received from the Commissioner of Social Services on behalf of the adoptive child that amount must be included.		
2	**Follow above instructions in #1 for second adoptive parent.**		
2(a)	**Follow above instructions in #1(a).**		
2(b)	**Follow above instructions in #1(b).**		
2(c)	**Follow above instructions in #1(c).**		

PET ¶ #	DESCRIPTION	YES	NO
2(d)	**Follow above instructions in #1(d).**		
2(e)	**Follow above instructions in #1(e).**		
3	**Is the first name, date and place of birth, and religious faith of the adoptive child noted?**		
	NOTE: A certified copy of the child's birth certificate from the official registrar must be attached to the petition.		
4	**Is the name of the agency's official listed?** **Is the verified schedule (form 1-B) included?** See DRL §112(3)		
5(a)	**Is the age and date of birth of the birth or legal parents of the adoptive child listed?**		
5(b)	**Is the heritage (specific nationality, ethnic background, race) of the adoptive child listed?**		
5(c)	**Is the religious faith, if any, of the birth or legal parents of the adoptive child listed?** See Social Services Law §373.3.		
5(d)	**Is the education (specific number of years of school, or degrees completed at time of birth of adoptive child) of the birth or legal parents of the adoptive child listed?**		
5(e)	**Is the height, weight, hair color, eye color, skin of the birth or legal parents listed?**		
5(f)	**Is Form 1-D, which provides health and medical history at time of birth of adoptive child, including conditions or diseases believed to be hereditary and any drugs or medications taken during pregnancy by the child's mother annexed to the petition?**		
	NOTE: Some courts may require additional separate forms as to medical history of the birth mother and birth father.		
5(g)	**Are the talents, hobbies and special interests of the birth or legal parents of the adoptive child listed?**		
6	**Is it indicated whether the adoptive child is an Indian (Native American) child?** Refer to the Indian Child Welfare Act of 1978 (25 U.S.C. §§1901-1963).		
7	**Is the manner in which the adoptive parent(s) obtained the adoptive child noted?**		
8	**If child was brought from another state has proper documentation been attached from the Interstate Compact?** See S.S.L. §374-a and §382.		
9	**Has the time span the adoptive child has resided with the adoptive parents been indicated with specific dates?**		

PET ¶ #	DESCRIPTION	YES	NO
10	**Has the names and dates of birth of other persons living in the household been indicated?**		
11	**If the adoptive child's name is to be changed, is the proposed name listed and spelled correctly?**		
12	**Is it stated whether the adoptive child has or has not been previously adopted?**		
13	**Have the names of any further interested persons entitled to notice been listed along with their relationship?** See D.R.L. §111(3) and §111-a.		
14(a)	**Is it indicated whether there is any knowledge of child abuse or maltreatment involving the child or the adoptive parent?** See S.S.L. §412.		
	NOTE: Form DSS-4156 must be submitted.		
14(b)	**Is it indicated whether any adult residing in the adoptive parent(s) household has a criminal record?**		
	NOTE: Fingerprint cards (Form DCJS-6 rev. 1/89) must be submitted.		
15	**Is it indicated whether there are any prior or pending proceedings affecting this adoptive child? If so, has sufficient information been provided?**		
16	**Is there a post-adoption contact agreement? If so, has sufficient information been provided?**		
17	**Check appropriate box and submit form 1-E if required.**		
18	**Have any additional allegations been indicated?**		
	Check that the "Wherefore" clause lists all relief requested including the correct listing and spelling of a change in the adoptive child's name. **Is petition dated, signed, verified, properly notarized (including proper jurat and expiration date of notary's commission)?** **Is attorney's name, address and phone number listed?** **Has Part 130 Certification been completed?** **if <u>NOT</u>, has a separate attorney certification as to Part 130 signing requirements been included?**		
If forms are computer generated, has a certification pursuant to Court Rules §207.4 been attached?			

MANDATED TIME SCHEDULE - 22 NYCRR 207.62
Within sixty (60) days of the filing of the above documents, the Court must schedule a review of the documents and determine if there is an adequate basis for approving the adoption.
If there is an adequate basis for approving the adoption, within thirty (30) days of the review, the Court shall schedule the appearance of the proposed adoptive parent(s) and the child.
If after the review, the Court finds that there is not an adequate basis for the approval of the adoption, the Court shall direct such further hearings, submissions or appearances as may be required, and the proceeding shall be adjourned as required for such purposes.

COMMENTS AND COURT NOTES		Form Number	DRL/SSL§ or Rule #
Forms Required from Adoptive Parent(s) or Attorney	•Petition for Adoption	1-A	111-a(1), 112
	•Copy of Birth Certificate(s) of Adoptive Parent(s) if required by court		
	•Certified Copy of Marriage Record		207.55(b)
	•Certified Copy of Divorce Decree(s)		
	•Agreement of Adoption and Consent (previously executed and acknowledged by agency)	2-A	111(1)(f), 112(2)(b), 113
	•Consent of Child Over 14	2-C	111(1)(a)
	•Affidavit of Identifying Party	8-A	207.55(b)(2)
	•Affidavit of Financial Disclosure	9-A	374(6)
	•Attorney's Affirmation if required by court		
	•Affidavit of Attorney	UCS-836	
	•Supplemental Affidavit	10-A	207.55(c)
	•Confidential Affidavit if required by court		
	•Report of Adoption		
	•Narrative Affidavit from Adoptive Parent(s) - if required by court		
	•Fingerprint Card(s)		
	•Proposed Order of Adoption	13-A	111, 112(b), 113, 114

COMMENTS AND COURT NOTES		Form Number	DRL/SSL§ or Rule #
Forms Required from Adoption Agency	•Certified Birth Certificate of Adoptive Child		207.55(b)(1)
	•Doctor's Certificate of Health for Adoptive Parent(s) and Adoptive Child - if required by court		
	•Verified Schedule	1-B	111-a, 112(3), 384
	•Child's Medical History	1-D	112(3)(6), 373-a
	•Affirmation Regarding Venue	1-E	
	•NYS Child Abuse & Maltreatment Registry Letter		
	•Original Surrender(s)		
	•Affidavit by Adoptive Parent(s) as to Receipt of Medical History of Adoptive Child		
	•Completed Report of Investigation		
	•Affidavit from Agency (if required by court)		
	•Application for Certified Copy of Order (if required by court)	15-A	
	•Proof that agency is authorized to place child in NYS Pursuant to Interstate Compact Agreement		
	•Copy of Social History Form - that was given to attorney prior to filing of petition (if required by court)		
	•Miscellaneous Documents received at time of surrender which may include but are not limited to: Affidavit Regarding Paternity, Affidavit of Financial Disclosure (from birth parent(s) surrendering child), Background Information Form, Religious Preference Form		

If any of the documents submitted are in a foreign language, you must attach an English translation along with an Affidavit of Authority of Translator to act as same, and Certificate of Authorization by U.S. Consulate (if applicable).[see CPLR §2101(b)]

Check to be certain all documents are properly acknowledged.

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Voluntary Administration Checklist

(see Surrogate's Court Form SE-3A, rev. 1/2009)

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

Check Form To Make Sure Venue Is Correct - Appropriate County Is Listed
Fill In All Areas On All Pages of Affidavit - Also Mark When Not Applicable Where Necessary

PET ¶ #	DESCRIPTION	YES	NO
	Is the captioned name exactly the same as it appears on the Last Will and Testament? (if there is no Will the name should be the same as that listed on the Death Certificate)		
	If A/K/A's, are they listed in the caption and also under ¶3 of affidavit?		
1.	**Is the petitioner eligible to act and qualify pursuant to SCPA §1303(a) or 1303(b)?** (a) named executor/executrix if there is a will (b) surviving adult spouse of decedent (c) adult child (d) adult grandchild (e) parent (f) brother or sister (g) niece or nephew or aunt or uncle (h) others as set forth in SCPA §1303(a) or SCPA §1303(b) **Complete all required information.**		
2.	**Has the interest of the affiant been checked and specified?**		
3.	**Enter decedent's name, including a/k/a's, domicile, date of death, place of death and citizenship. Does the information agree with the death certificate?**		
	NOTE: A certified copy of the death certificate must be filed with affidavit.[see SCPA §1304(3)]		
4.	**Check appropriate box. If decedent died with a will, the original will must be submitted with Affidavit [SCPA §1303(b)].**		
5.	**Check records of Surrogate's Court to make sure no previous application has been made in this estate for a voluntary administration or for letters of administration or for the probate of a will.**		
6.	**Check that name, complete mailing address and relationship of each distributee is listed. If an address is unknown detail efforts made to locate the individual.**		
	NOTE: <u>Distributee:</u> Any person entitled to take or share in property under EPTL §4-1.1 and 4-1.2. (SUBMIT A FAMILY TREE IF REQUIRED BY THE COURT.) If there are any deceased distributees, provide a copy of the death certificate or provide the date of death.		
	If there are no issue, state "no issue" otherwise list names, addresses and the name of the deceased distributee that connects them to decedent.		

PET ¶ #	DESCRIPTION	YES	NO
6. cont.	***NOTE: If it is alleged that the decedent was survived by no distributee or only one distributee or where the relationship of distributees to the decedent is grandparents, aunts, uncles, first cousins or first cousins once removed, the Court may require an Affidavit of Heirship as set forth in Uniform Rules 207.16(c).***		
7.	**Information that must be listed: name, bequest and full mailing address of each individual named in the will.**		
	NOTE: Notices will be mailed by the Court to each distributee and beneficiary listed in the affidavit under ¶6 and ¶7, excluding affiant. [see SCPA §1304(4)] Some Courts require a stamped addressed envelope to each individual listed.		
8.	**Check to be certain that value of personal property does not exceed $30,000 for decedent dying on or after 1/1/09 ($20,000.00 for decedent dying prior to 1/1/09 but on or after 8/29/96; $10,000.00 for decedent dying prior to 8/29/96). [see SCPA §1301(1) and EPTL §5-3.1(a)(1-5)]**		
9.	**Information that must be listed: all assets of the decedent including bank accounts, stocks, insurance policies not payable to a named beneficiary and the value of each item. JOINT ASSETS AND SET-OFF PROPERTY ARE EXCLUDED. [see EPTL §5-3.1] Give specific details for each asset, i.e. name of bank, account number, etc. A certificate will be issued for each asset listed.**		
10.	**Must be listed: names of all creditors, including unpaid funeral expenses, and the amount owed to each creditor.**		
	NOTE: Some Courts require proof of payment of the funeral bill if not listed.		
11.	**Court should advise the voluntary administrator of his or her duties and that they are required to account for the distribution of all assets.**		
12.	**This paragraph states this proceeding will not determine the estate tax liability.**		
13.	**This paragraph states that if an administration or probate proceeding is commenced, voluntary administrator/trix must file account with the Court appointed fiduciary. [see SCPA §1307(2)]**		
	Is affidavit signed and properly notarized (including proper jurat and expiration date of notary's commission)? **Is attorney or self-represented party's name, address and phone number listed?** **Is Part 130 Certification completed by attorney or self-represented party?** **if <u>NOT</u>, has a separate certification as to Part 130 signing requirements been included?**		
If forms are computer generated, has a certification pursuant to Court Rules §207.4 been attached?			

FEE SCHEDULE	SCPA/EPTL§ or Rule #
Has the proper fee been included with affidavit? $1.00 for filing affidavit	1304(4)

COMMENTS AND COURT NOTES		Form Number	SCPA/EPTL§ or Rule #
When Permitted	May be used when a fiduciary is needed to transfer estate assets (personal property only) and the value of the assets does not exceed the following: $30,000 - for decedents dying on or after 1/1/09 $20,000 - for decedents dying from 8/29/96 through 12/31/08 $10,000 - for decedents dying from 6/15/81 through 8/28/96 $5,000 - for decedents dying from 6/24/75 through 6/14/81 $3,000 - for decedents dying prior to 6/24/75 Amounts exclusive of property set off under EPTL §5-3.1.		1301
Documents Always Required	•Affidavit in Relation to Settlement of Estate under Article 13 •Certified Death Certificate •Original Will (if one exists) •Report and Account in Settlement of Estate	SE-3A SE-1D	1304(3) 1304(3) 1303(b) 1307(2)
Documents Sometimes Required	•Renunciation of Voluntary Administration •Copy of funeral bill •Obituary Notice •Affidavit of Disinterested Party/Sole Heirship Affidavit •Family Tree Chart •Amended Affidavit •Death Certificate of deceased spouse, distributee	SE-1C FT-1 SE-3B	1303 207.16(c) 207.16(c) 207.46

COMMENTS AND COURT NOTES (continued)

Certificates will be issued only for assets or items listed in paragraph 9 of the Affidavit (SE-3A). If additional certificates are needed for assets discovered after the Affidavit is filed, submit Amended Affidavit (Form SE-3B).

A voluntary administrator MAY NOT be used to pass title to real property held in the decedent's name. **[However, pursuant to Real Property Law §321(5)(a) a voluntary administrator may sign a discharge of mortgage.]**

A bank account must be opened for any money received by the voluntary administrator, see SCPA §1307(1).

Review carefully instructions to ¶6 and ¶7 of the Affidavit and be sure interested parties are listed in the correct places.

Documents signed by Power of Attorney (Provide certified copy of POA and comply with Section 13-2.3 EPTL and 207.48 Uniform Rules).

Check to be certain all documents are properly notarized.

Estates, Powers and Trusts Law Section 5-3.1 - Exemption for Benefit of Family

If a person dies leaving a surviving spouse the following items of personal property vest in such surviving spouse, and if there is no surviving spouse, such items of property vest in the decedent's children under the age of 21 years, if any:

(1) Household items (furniture, clothing, etc...) not exceeding a total value of $10,000.00.

(2) Family Bible, pictures, videotapes, computer tapes, discs, software, books not exceeding a total value of $1,000.00.

(3) Domestic animals with their necessary food for 60 days, farm machinery, one tractor and one lawn tractor, not exceeding in aggregate value $15,000.00.

(4) One motor vehicle not exceeding in value $15,000.00.

(5) Money or other personal property not exceeding in value $15,000.00, except that where assets are insufficient to pay the reasonable funeral expense of the decedent, the personal representative must apply such money or other personal property to defray any deficiency in such expenses.

(This is not a complete reprint of the law regarding family exemptions. Please see EPTL §5-3.1 for the full text of the law.)

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