

F.C.A. § 661;
S.C.P.A. §§ 1701 - 1704

Form 6-1
(Petition for Appointment
As Guardian of a Person Or
Permanent Guardian)
3/2009

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Proceeding for the Appointment of a
Guardian of the Person or Permanent Guardian of

Docket No.
Family File No.
PETITION FOR
APPOINTMENT AS
Guardian of Person
Permanent Guardian

A Person Under the Age of 21
.....

TO THE FAMILY COURT:

The Petitioner respectfully alleges to this Court that:

1. I am [specify relationship]: _____ of the person under the age of
21 who is the subject of this petition and I am submitting this petition in order to be appointed
[check applicable box]: Guardian of the Person Permanent Guardian.¹

2. My name is [specify]: _____ and I live at [specify
name and complete address of residence]:²

3. The name, date of birth and residence of the person under the age of 21 who is the
subject of this proceeding are as follows:

Name:

Date of Birth:

Complete address:³

¹ A “permanent guardian” may be appointed, pursuant to Family Court Act §661(b) and Surrogate’s Court Procedure Act §1702(2), if the Court finds that it is in the best interests of a person under the age of 21, who has been committed to an authorized agency through termination of parental rights or surrender or whose birth parents or other persons entitled to notice of, or to consent to, adoption are deceased. Persons over the age of 18 must consent to such an appointment, which may last until the person reaches the age of 21.

² Unless the Court has ordered the address to be confidential on the ground that disclosure would pose an unreasonable health or safety risk. See Family Court Act §154-b; Form 21 (available at www.nycourts.gov).

³ Unless the Court has ordered the address to be confidential on the ground that disclosure would pose an unreasonable health or safety risk. See Family Court Act §154-b; Form 21 (available at www.nycourts.gov).

4. The subject of this proceeding is is not a Native American child under the age of 18 who is subject to the *Indian Child Welfare Act of 1978* (25 U.S.C. §§1901-1963). If so, the following have been notified [check applicable box(es)]:

- parent/custodian [specify name and give notification date]:
- tribe/nation [specify name and give notification date]:
- United States Secretary of the Interior [give notification date]:

5. The name and relationship of person with whom the subject of this proceeding resides are as follows:

Person with whom subject resides [specify name]:
 Relationship to subject:
 Address [include street, city, village or town, county and state]:⁴

6. (Upon information and belief) The religion of the person who is the subject of this proceeding is

7. The names, relationship and post office addresses of the birth parents of the subject of the proceeding, the name and address of the person with whom the subject resides, if other than the parent(s), on whom process should issue; and such other persons concerning whom the court is required to have information, are as follows: [If either birth parent is dead or has surrendered or has had parental rights terminated (TPR) , so allege; if both parents are dead, indicate nearest adult next of kin]:

<u>Relationship</u>	<u>Name</u>	<u>Complete Address</u>	<u>Deceased?</u>	<u>TPR?</u>	<u>Surrender?</u>
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Birth mother:

Birth father:

Person with whom
 the subject resides,
 if other than parents:

Adult next of kin, if
 birth parents are dead:

Other [specify]: ⁵

⁴ Unless the Court has ordered the address to be confidential on the ground that disclosure would pose an unreasonable health or safety risk. See Family Court Act §154-b; Form 21 (available at www.nycourts.gov).

⁵ Include Mental Hygiene Legal Services, if the subject of the proceeding is mentally retarded or developmentally disabled and has been admitted to a facility, and any person entitled to notice of or consent to the adoption of the subject of the proceeding.

8. a. Appointing me as the guardian of the person permanent guardian would be in [subject's name]: _____ best interests and would preserve his/her legal rights because [specify facts regarding the suitability, ability and commitment of the proposed guardian to assume full legal responsibility and raise him/her to adulthood]: _____

b. [Required where appointment of permanent guardian is requested, pursuant to Family Court Act §661(b) or S.C.P.A. §1702(2); delete if inapplicable]:

(i) [Check applicable box]:

guardianship and custody have been committed to the following authorized agency [specify, include whether by surrender or termination of parental rights and attach certified copies of the orders terminating parental rights or approving the surrenders, as applicable]: _____

both parents of the child, whose consent to or notice of an adoption would have been required, are deceased [attach death certificates].

(ii) The local social services district performed an assessment, as required by S.C.P.A. §1704(8), that recommended the following [specify and attach a copy of the assessment]: _____

9: [Applicable to cases in which child protective petition or permanency hearing report has been filed regarding the children and in which petitioner is a relative or other non-parent; delete if inapplicable]:

a. A child protective petition, Docket # [specify]: _____, was filed in Family Court, [specify county]: _____ on [specify date]: _____ alleging that [specify names of respondents on that petition]: _____ neglected or abused the above-named child(ren). The petition resulted in [specify whether finding was made and, if so, the disposition; if the disposition has been adjourned pending a consolidated hearing with this petition, pursuant to F.C.A. §1055-b, so indicate and give next court date]: _____

b. A permanency report, Docket # [specify]: _____, pursuant to Article 10-A of the Family Court Act, was filed in Family Court, [specify county]: _____ on [specify date]: _____ indicating a permanency plan of guardianship of the child(ren) with Petitioner in this proceeding. The permanency hearing was adjourned to [specify date]: _____ pending a consolidated hearing with this petition, pursuant to F.C.A. §1089-a.

c. The child's birth mother has has not consented to the award of guardianship to the Petitioner. If not, the following extraordinary circumstances support Petitioner's standing to seek _____

guardianship of the child(ren) [specify]:

d. The child's legally-established birth father has has not consented to the award of guardianship to the Petitioner. If not, the following extraordinary circumstances support Petitioner's standing to seek guardianship of the child(ren) [specify]:

e. The child has been living with the following foster parent(s)[specify]:
since [specify date]: The foster parent(s)

has/have has/have not consented to the award of guardianship to the Petitioner. [If unaware whether they have consented, so state]:

f. The local department of social services [specify]: _____ in the related child abuse or neglect permanency proceeding has has not consented to the award of guardianship to the Petitioner. [If unaware whether they have consented, so state]:

g. The attorney for the child(ren) [specify]: _____ in the related child abuse or neglect permanency proceeding has has not consented to the award of guardianship to the Petitioner. [If unaware whether they have consented, so state]:

9. (Upon information and belief) No guardian pursuant to will or deed, or guardian of the person pursuant to Section 384 or 384-b of the Social Services Law, has been previously appointed for the subject of this proceeding, except [specify]:

10. Upon information and belief, [Check all applicable box(es)]:

a. I have never been the subject of an indicated report, as such term is defined in of the Social Services Law §412, that has been filed with the statewide register of child abuse and maltreatment pursuant Social Services Law §422.

I was the subject of an indicated report, as defined in of the Social Services Law §412, that was filed with the statewide register of child abuse and maltreatment pursuant Social Services Law §422. [Specify the date of the report, determination of whether "indicated" or "unfounded," status and circumstances to the extent known]:

____ I am the subject of a report, as defined in of the Social Services Law §412, filed with the statewide register of child abuse and maltreatment pursuant Social Services Law §422, that remains under investigation. [Specify the date of the report, status and circumstances to the extent known]:

____ b. I have never been the subject of, or the respondent in, a child protective proceeding pursuant to Article Ten of the Family Court Act.

I have been the subject of, or the respondent in, a child protective proceeding pursuant to Article Ten of the Family Court Act. [Specify whether the proceeding resulted in an order finding that a child or children was/were abused or neglected, indicate whether the subject of this proceeding was found to be abused or neglected and provide the date and status of the proceeding to the extent known]:

c. I have never been the subject of an Order of Protection or Temporary Order of Protection in any criminal, matrimonial or Family Court proceeding(s).

I have been the subject of an Order of Protection or Temporary Order of Protection in a criminal, matrimonial or Family Court proceeding(s) as follows [specify the court, docket or index number, whether I was protected or restrained by the order, date of order, expiration date of order, next court date and status of case to the extent known]:

11. Upon information and belief,[check applicable box(es)]:

a. The following adults who are age 18 or older live in my home:

<u>Name</u>	<u>Relationship, if any, to subject of proceeding</u>	<u>Date of Birth</u>
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b. None of the adults 18 or older living in my home has ever been the subject of any indicated reports, as defined in of the Social Services Law §412, that were filed with the statewide register of child abuse and maltreatment pursuant Social Services Law §422.

The following adults 18 or older living in my home have been the subjects of indicated reports, as defined in of the Social Services Law §412, that were filed with the statewide register of child abuse and maltreatment pursuant Social Services Law §422. [Specify the name(s) of the adults, date(s) of the report(s), whether the subject of this proceeding was the subject of the report(s), status and circumstances to the extent known]:

_____ The following adults 18 or older living in my home are the subjects of reports, as defined in of the Social Services Law §412, filed with the statewide register of child abuse and maltreatment pursuant Social Services Law §422, that remain under investigation [Specify the name(s) of the adults, whether the subject of this proceeding is the subject of the report(s), date(s) of the report(s), status and circumstances to the extent known]:

c. None of the adults 18 or older living in my home has ever been the subjects of, or the respondents in, child protective proceedings pursuant to Article Ten of the Family Court Act.

the following adults 18 or older living in my home have been the subjects of, or the respondents in, child protective proceedings pursuant to Article Ten of the Family Court Act, as follows [Specify the names of the adults, whether the proceedings have resulted in orders finding that the child is an abused or neglected child, whether the subject of this proceeding was a subject of those proceedings and the date and status of the proceedings to the extent known]:

d. None of the adults 18 or older living in my home has ever been the subjects of an Order of Protection or Temporary Order of Protection in any criminal, matrimonial or Family Court proceeding(s).

the following adults 18 or older living in my home have been the subjects of Orders of Protection or Temporary Orders of Protection in criminal, matrimonial or Family Court proceeding(s), as follows [specify the names of the adults, whether the adults are or were restrained or protected by the order(s), court, docket or index number, date of order, expiration date of order, next court date and status of cases to the extent known]:

12. The birth parent(s) of the child [specify]:
although living, should not be appointed guardian of the person of the child because:

13. a. [Applicable where the subject of the proceeding is 18 years of age or older; delete if inapplicable]: The person who is the subject of this proceeding is over the age of 18 and has consented to the appointment of the guardian, a copy of which is attached.

b. [Applicable where the child is over 14 years of age but less than 18; delete if inapplicable]: The child, who is over the age of 14, has expressed a preference for the appointment of the guardian, a copy of which is attached.

14. There are no persons interested in this proceeding other than those mentioned above.

15. No prior application has been made to any court, including a Native- American tribunal, for the relief requested herein (except [specify]: _____).

WHEREFORE, Petitioner requests that an order be entered appointing me to be the guardian of the person permanent guardian of [specify]:
until the child reaches the age of 18 21 upon his/her consent,
and that letters of guardianship issue.

Dated:

Signature of Petitioner

Print or type name

Signature of Attorney, if any

Attorney's Name (Print or Type)

Attorney's Address and Telephone Number

VERIFICATION

STATE OF NEW YORK)

)ss.:

COUNTY OF)

,being duly sworn, says that (s)he is the Petitioner in the above-named proceeding and that the foregoing petition is true to (his)(her) own knowledge, except as to matters therein stated to be alleged on information and belief and as to those matters (s)he believes it to be true.

Sworn to before me this
day of .

Petitioner

(Deputy)Clerk of the Court
Notary Public