

FAMILY COURT OF THE STATE OF NEW YORK  
COUNTY OF

Proceeding for the Appointment of a  
Standby Guardian of the Person

Docket No.

of

PETITION  
(Appointment of  
Standby Guardian)

\_\_\_\_\_, a Minor

TO THE FAMILY COURT:

The Petitioner respectfully alleges to this Court that:

1. The name and domicile of the Petitioner and relationship of the Petitioner to the child who is the subject of this proceeding, are as follows:

Name:

Relationship to child [check applicable box]:

mother  father  guardian  legal custodian  primary caretaker  other [specify]:

Address [Include street, city, village or town, county and state]:

2. The name, date of birth and domicile of the child who is the subject of this proceeding are as follows:

Name:

Date of Birth:

Address: [Including street, city, village or town, county and state]

3. The subject child  is  is not a Native American child subject to the Indian Child Welfare Act of 1978 (25 U.S.C. §§ 1901-1963).

4. The residence of the child and name and relationship of the person(s) with whom the child resides are as follows:

Person with whom child resides [specify name]:

Relationship to child [check applicable box]:

mother  father  guardian  legal custodian  primary caretaker  other [specify]:

Address [Include street, city, village or town, county and state]:

5. This petition seeks appointment of a Standby Guardian of the person of the child who is the subject of this proceeding, to become effective, pursuant to S.C.P.A. § 1726(3), upon the Petitioner's [check applicable box]:

S.C.P.A. § 1726(3) incapacity  death  incapacity or death, whichever occurs first  administrative separation.

6. a. On information and belief, Petitioner [check applicable box]:

suffers from a progressively chronic or fatal illness;  may be subject to an administrative separation.

b. The source of information and basis for belief are:

7. The names, relationship and post office addresses of the child's parent(s), the name and address of the person(s) with whom the child resides, if other than the parent(s), to whom process should issue; and such other persons concerning whom the court is required to have information, are as follows [Note: if a parent is deceased, so allege].

<u>Relationship</u>	<u>Name</u>	<u>Post Office Address</u>
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Mother:

Father:

Person with whom  
Child resides, if  
other than parents:

Other:<sup>1</sup>

8. To protect and preserve the legal rights of the child, it is necessary that some proper person be duly appointed the Standby Guardian of his or her person, because:

9. Upon information and belief, no Guardian pursuant to Section 383-c, 384 or 384-b of the Social Services Law, or Standby Guardian pursuant to section 1726 of the Surrogate's Court Procedure Act, has been previously appointed for the child except [specify]:

10. [check applicable boxes]

(a). Petitioner:  has  does not have knowledge of whether the person nominated to be a Standby Guardian herein has been the subject of an indicated report, as such term is defined in Section 412 of the Social Services Law, filed with the statewide register of child abuse and maltreatment pursuant to Title Six of Article Six of the Social Services Law. If the Petitioner has knowledge of such a report, specify the date, status and circumstances to the extent known:

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<sup>1</sup> Include Mental Hygiene Legal Services if the child is an intellectually or developmentally disabled child admitted to a facility.

(b). Petitioner  has  does not have knowledge of whether the person nominated to be a Standby Guardian herein is the subject of, or the respondent in, a child protective proceeding commenced under Article 10 of the Family Court Act. If Petitioner has knowledge that the prospective Standby Guardian has been involved in an Article 10 proceeding, specify whether he or she was the subject or respondent and specify whether the proceeding resulted in an order finding that the child is an abused or neglected child, date and status to the extent known:

(c). Petitioner  has  does not have knowledge of whether an Order of Protection or Temporary Order of Protection has been issued against the person nominated to be a Standby Guardian herein in any criminal, matrimonial or Family Court proceeding(s). If Petitioner has knowledge that such an order has been issued, specify the court, docket or index number, date of order, expiration date or order, next court date and status of case to the extent known:

11 (a). The following adults aged 18 or older reside with the proposed guardian:

<u>Name</u>	<u>Relationship, if any, to Child</u>	<u>Date of Birth</u>
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(b). Upon information and belief, (none of the above adults) (the following adult(s)[specify]: \_\_\_\_\_) (is)(are) the subject of an indicated report, as such term is defined in Section 412 of the Social Services Law, filed with the statewide register of child abuse and maltreatment pursuant to Title Six of Article Six of the Social Services Law. If so, specify date, status and circumstances to the extent known:

(c). Upon information and belief, (none of the above adults) (the following adult(s)[specify]: \_\_\_\_\_) ( has) (have) been the subject of or the respondent in a child protective proceeding commenced under Article 10 of the Family Court Act. If so, specify whether proceeding resulted in an order finding that the child is an abused or neglected child, date and status to the extent known:

(d). Upon information and belief, an Order of Protection or Temporary Order of Protection (has)(has not) been issued against any of the above adults in any criminal, matrimonial or Family Court proceeding(s). If such an order has been issued, specify the adult against whom the order was issued, the court that issued the order, docket number, date of order, expiration date of order, next court date and status of case to the extent known:

12. \_\_\_\_\_, residing at \_\_\_\_\_, would be a suitable and proper person to be appointed Standby Guardian of the person of the Child, in that [specify]:

13. Attached hereto is the consent of the proposed Standby Guardian to being appointed

Standby Guardian of the person of the child.

(14. [Delete if inapplicable and skip to ¶15]: The parent(s) of the child, although living, should not be appointed Standby Guardian of the person of the child because: \_\_\_\_\_).

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

16. No prior application has been made to any court for the relief herein requested.

WHEREFORE, Petitioner respectfully requests that an order be entered appointing [specify]: \_\_\_\_\_ as Standby Guardian of the person of the child to become effective upon the Petitioner's [check applicable box]:

incapacity  death  incapacity or death, whichever occurs first  administrative separation.

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 b(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.

\_\_\_\_\_  
Petitioner

Sworn to before me this  
day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
(Deputy) Clerk of the court  
Notary Public