*\*\*Note: Must Comply with 202.5 Uniform Rules of  
Supreme And County Court  
(At least 10pt. type and double spaced)*

81.08 Form 1

Petition for Appointment of a Guardian of the Person and Property

Court of the State of New York County of Nassau

----------------------------------------------------X Index No.

In the Matter of the Application for the Appointment of a Guardian for the Person and/or Property of

an Alleged Incapacitated Person.

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To the Court of the State of New York, County of Nassau

The petition of respectfully shows:

1. , the person alleged to be incapacitated is years of age;

his/her address is and his/her telephone

number is .

1. resides with

at and his/her telephone

number is

1. (Here set forth a description of the alleged incapacitated person’s functional level including that person’s ability to manage the activities of daily living, behavior, and understanding and appreciation of the nature and consequences of any inability to manage the activities of daily living).
2. (If powers are sought with respect to the personal needs of the alleged incapacitated person, here set forth specific factual allegations as to the personal actions or other actual occurrences involving the person alleged to be incapacitated which are claimed to demonstrate that the person is likely to suffer harm because he or she cannot adequately understand and appreciate the nature and consequences of his or her inability to provide for personal needs.)
3. (If powers are sought with respect to property management for the alleged incapacitated person, here set forth specific factual allegations as to the financial transactions or other actual occurrences involving the person alleged to be incapacitated which are claimed to demonstrate that the person is likely to suffer harm because he or she cannot adequately understand and appreciate the nature and consequences of his or her inability to provide for property management.)
4. The following powers are being sought for any guardian appointed herein (specify). The

relationship of these powers to the functional level and needs of (person

alleged to be incapacitated) is as follows: (specify).

1. [If authority is sought to exercise a power which involves the transfer of a part of the alleged incapacitated person’s assets to or for the benefit of another person, including the petitioner or guardian, set forth all the information required by the Mental Hygiene Law 81.21, subdivision (b)].
2. These powers are sought for (specify duration).
3. The approximate value and description of the financial resources of (person

alleged to be incapacitated) are as follows: (specify).

1. To the best of the petitioner’s knowledge, the nature and amount of any claim, debt, or

obligations of are as follows: (specify).

1. The names, addresses, and telephone numbers of presumptive distributees of

(person alleged to be incapacitated) as that term is defined in Surrogate’s Court Procedure Act 103, subdivision 42, unless they are unknown and cannot be reasonably ascertained are as follows:

Name and Relationship of Address Telephone #s

Presumptive Distributees

1. The petitioner is

his/her address is

and his/her telephone number is

1. The name of the person (if any) proposed as guardian is His/her address is

His/her telephone number is

His/her relationship to the person alleged to be incapacitated is He/she is suitable to exercise the powers necessary to assist for the following reasons: (specify)

1. The following relief is sought pursuant to 81.23 of the Mental Hygiene Law (specify any provisional remedies sought).
2. The available resources for (if any) that have been

considered by the petitioner as follows: (specify available resources as defined in Mental Hygiene Law 81.03).

In the petitioner’s opinion the sufficiency and reliability of these resources are as follows: (Set forth opinion and reasons therefore).

1. (Here set forth any other information which in the petitioner’s opinion will assist the court evaluator in completing the investigation and report in accordance with Mental Hygiene Law 81.09.)
2. No previous application has been made for the relief requested herein.

Wherefore, your petitioner prays that the Court:

1. Declare that is incapacitated as the term is defined in 81.02,

subdivision (b), of the Mental Hygiene Law.

1. Appoint as the guardian for the person and/or property of

with powers requested herein.

1. (If appropriate, add:) Appoint as the standby guardian for

the person and/or property of with the powers requested herein.

1. (If appropriate, add prayer for any provisional remedy relief sought pursuant to Mental Hygiene Law 81.23.)
2. Gant such other and further relief as the Court deems just and proper.

Dated: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Petitioner

Must be Verified