

***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

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

Index No.

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 .
2. resides with
at and his/her telephone
number is
3. (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).
4. (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.)

5. (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.)
6. 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).
7. [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)].
8. These powers are sought for (specify duration).
9. The approximate value and description of the financial resources of _____ (person alleged to be incapacitated) are as follows: (specify).
10. To the best of the petitioner's knowledge, the nature and amount of any claim, debt, or obligations of _____ are as follows: (specify).
11. 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 Presumptive Distributees	Address	Telephone #s
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12. The petitioner is _____ his/her address is _____
and his/her _____
telephone number is _____

13. 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)
14. The following relief is sought pursuant to 81.23 of the Mental Hygiene Law (specify any
provisional remedies sought).
15. 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).
16. (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.)
17. 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.
2. Appoint _____ as the guardian for the person and/or property of
_____ with powers requested herein.
3. (If appropriate, add:) Appoint _____ as the standby guardian for
the person and/or property of _____ with the powers requested herein.
4. (If appropriate, add prayer for any provisional remedy relief sought pursuant to Mental
Hygiene Law 81.23.)
5. Gant such other and further relief as the Court deems just and proper.

Dated:

Petitioner

Must be Verified