

At a Term of the Supreme Court of the State of New York held in and for County of _____ at the Courthouse, _____, New York on the ___ day of ___, ____.

PRESENT: HON. EUGENE E. PECKHAM
Acting Supreme Court Justice

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STATE OF NEW YORK
SUPREME COURT : COUNTY OF

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In the Matter of the Application of (NAME OF PETITIONER), Petitioner Pursuant to Article 81 of the Mental Hygiene Law for the Appointment of a Guardian of the Person and Property of (NAME OF INCAPACITATED PERSON),

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an Alleged Incapacitated Person.

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An Order to Show Cause having been duly signed on _____, directing that (NAME OF INCAPACITATED PERSON) an alleged incapacitated person, show

cause why a guardian of the Person and Property should not be appointed for (NAME OF INCAPACITATED PERSON) and granting other relief as set forth

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therein, and (NAME OF COURT EVALUATOR) having been appointed as Court Evaluator and having duly appeared as same and having given his report as

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required by law, and (NAME OF COUNSEL) having been appointed as Counsel to (NAME OF INCAPACITATED PERSON), the Alleged Incapacitated Person, and having

duly appeared as same and (NAME OF PETITIONER) the petitioner herein and

(NAME OF PETITIONER'S ATTORNEY), attorney for the petitioner, having appeared, and this matter having regularly come on for a hearing on _____, and upon all the pleadings and proceedings heretofore had herein, and due deliberation having been had thereon.

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NOW, the court does hereby make the following findings pursuant to Section 81.15 of the Mental Hygiene Law based on clear and convincing evidence introduced at the hearing,

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1. That (NAME OF INCAPACITATED PERSON) suffered (explain disabilities). Based on (his/her) functional limitations and (his/her) inability to adequately understand and appreciate the nature and consequences of such functional limitations (NAME OF INCAPACITATED PERSON) is likely to suffer harm. The appointment of a guardian is necessary to protect (NAME OF INCAPACITATED PERSON) with respect to property management and personal care.

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2. (IF APPLICABLE) That (NAME OF INCAPACITATED PERSON) has consented on the record to the appointment of (NAME OF GUARDIAN) as the Guardian of (his/her) Person and Property.

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3. (IF APPLICABLE) That the presence of (NAME OF INCAPACITATED PERSON) was dispensed with because

(CHOOSE either a or b):

a) (he/she) is completely unable to participate in the hearing,
pursuant to MHL 81.11(c) (2)

OR

b) no meaningful participation would result from (his/her)
presence at the hearing, pursuant to MHL 81.11(c) (2).

4. That (NAME OF GUARDIAN) is an appropriate guardian and the
petition of (NAME OF PETITIONER) is hereby granted.

5. That pursuant to Sections 81.21 and 81.22 of the Mental
Hygiene Law, the Guardian shall have the following powers:

INSERT POWERS DESIGNATED BY JUDGE

6. That (NAME OF INCAPACITATED PERSON)'s assets consist of those
items of real and personal property

(CHOOSE either a, b, or c):

a) as follows: _____ **OR**

b) as modified by the testimony of _____ at the
hearing and summarized on Schedule A attached hereto and
made a part hereof **OR**

c) as set forth in the petition.

7. That (NAME OF INCAPACITATED PERSON) (shall/shall not) receive copies of the initial and annual reports.

8. **(IF APPLICABLE)** Power to gift property **[must include findings set forth in MHL Sec. 81.21. (d) & (e)]**

9. **(IF APPLICABLE)** The Court determines that the (Power of Attorney/ Health Care Proxy) appointing (NAME OF AGENT), dated _____ was made while (NAME OF INCAPACITATED PERSON) was incapacitated and said (Power of Attorney/Health Care Proxy) is revoked. The Court requires that the Agent account to the Guardian.

10. **(IF APPLICABLE)** The Court determines that there has been a breach of fiduciary duty by (NAME OF AGENT) appointed by the (Power of Attorney/Health Care Proxy) dated _____ and said (Power of Attorney/Health Care Proxy) is revoked. The Court requires that the Agent account to the Guardian.

Dated: _____

Acting Supreme Court Justice

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