

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF \_\_\_\_\_  
[Name of County]

\_\_\_\_\_ X  
In the Matter of the Application of:

\_\_\_\_\_  
[Your Name]  
Petitioner

**COMMISSION**

**Index No:**  
\_\_\_\_\_

For the Appointment of a Guardian of the  
Person and/or Property of

\_\_\_\_\_  
[Name of Alleged Incapacitated Person (AIP)]  
Person in Need of a Guardian/ Incapacitated Person  
Respondent

\_\_\_\_\_ X

THE PEOPLE OF THE STATE OF NEW YORK,  
TO ALL TO WHOM THESE PRESENTS SHALL COME:

GREETINGS:

WHEREAS, by Order duly made on \_\_\_\_\_, and entered in the Office of the  
Clerk of the County of \_\_\_\_\_ on \_\_\_\_\_, in a proceeding in the  
Supreme Court entitled, "In the Matter of the Application of \_\_\_\_\_,  
Petitioner, for the appointment of a Guardian of \_\_\_\_\_, an Alleged  
Incapacitated Person" it was found that the said \_\_\_\_\_ was duly  
adjudged to be an incapacitated person on \_\_\_\_\_, and an order having  
been signed by the Honorable \_\_\_\_\_ on \_\_\_\_\_; and

WHEREAS, \_\_\_\_\_,  
was appointed guardian by said Order and was directed to file in the clerk's office of the County of \_\_\_\_\_ a bond for the security required by law in the sum of \$ \_\_\_\_\_ and on condition that said guardian will in all things faithfully discharge the duties and obey all lawful directions of any court officer of competent jurisdiction pertaining to said trust and render a just and true account of all moneys received and disbursed whenever required to do so by a court of competent jurisdiction; and

WHEREAS, the authority of the guardian shall extend to all of the property of the incapacitated person, both real and personal; and

WHEREAS, the bond has been duly executed and filed with the Clerk of this County; and

WHEREAS, the designation of the clerk of this court has been duly executed and filed in his or her office;

NOW, THEREFORE, KNOW YE, that we have granted, given and committed, and by these presents do give, grant and commit unto the said guardian, the possession, care and management of the estate, real as well as personal, of said incapacitated person;

AND, the Guardian of the Property may, without prior authorization of the court, make reasonable expenditures for the purpose of preserving the property of the incapacitated person;

AND, pursuant to Section 81.20 of the Mental Hygiene Law, the guardian shall:

- (a) exercise only those powers that the guardian is authorized to exercise by order of the court;
- (b) exercise utmost care and diligence when acting on behalf of the incapacitated person;
- (c) exhibit the utmost degree of trust, loyalty and fidelity in relation to the incapacitated person;
- (d) visit the incapacitated person not less than four times per year;
- (e) afford the incapacitated person the greatest amount of independence and self-determination with respect to property management and personal needs in light of that person's functional level, understanding and appreciation of [his or her] functional limitations, and personal wishes, preferences and desires with regard to managing the activities of daily living;

AND, pursuant to Section 81.20 of the Mental Hygiene Law, the guardian shall:

- (a) preserve, protect and account for the incapacitated person's property and financial resources faithfully;
- (b) at the termination of the appointment, deliver the property to the person legally entitled to it; and
- (c) perform all other duties required by law;

AND, pursuant to Sections 81.21 and 81.22 of the Mental Hygiene Law, the guardian shall:

- (a) determine who shall provide personal care or assistance;
- (b) make decisions regarding social environment and other social aspects of life;
- (c) apply for government and private benefits, including Medicaid;
- (d) consent to or refuse generally accepted routine or major medical or dental treatment;
- (e) choose place of abode;
- (f) authorize access to or release of confidential records;

- (g) marshal income and assets;
- (h) manage income and assets, including paying bills and monthly expenses;
- (i) enter into contracts;
- (j) defend or maintain any civil judicial proceedings;
- (k) retain counsel, subject to court approval of fees;
- (l) retain accountants, investment counsel and similar professionals and pay same;
- (m) sign tax returns and deal with all federal, state and local tax authorities on all claims litigation, settlement and other matters; and
- (n) provide \_\_\_\_\_ with spending money;  
*[Name of IP or PING]*

AND, the duration of the appointment of the guardian is indefinite;

AND, upon the death of the incapacitated person, the guardian shall have the authority to pay for the reasonable funeral expenses of the incapacitated person;

AND, upon the death of the incapacitated person, the guardian shall have authority to pay the bills of the incapacitated person which were incurred prior to the death of the incapacitated person, provided the guardian would otherwise have had the authority to pay such bills;

AND, all persons are hereby directed and commanded to deliver to the guardian, upon demand and presentation of a certified copy of the commission, the property of the incapacitated person of every kind and nature which may be in their possession or under their control.

WITNESS, the Honorable \_\_\_\_\_, one of the Justices of the  
*[Name of Judge]*  
 Supreme Court of the State of New York, at the Courthouse, in the County of \_\_\_\_\_,  
 this \_\_\_\_\_,  
*[Your County]* *[Today's Date]*

BY THE COURT

\_\_\_\_\_  
 CLERK OF THE COURT  
 COUNTY OF \_\_\_\_\_  
*[Your County]*