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Proceeding for the Appointment of a  
Guardian of the Person or Permanent Guardian of

**Julie Smith**

A Person Under the Age of 21

Docket No.  
Family File No.  
PETITION BY PERSON  
OVER 14 FOR  
APPOINTMENT OF ☒  
Guardian of Person  
☐ Permanent Guardian

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TO THE FAMILY COURT:

The Petitioner respectfully alleges to this Court that:

1. I am a person over the age of 14 and under the age of 21 and I am submitting this petition on my own behalf to request that [specify proposed guardian]: **John Smith** be appointed as my [check applicable box]: ☒ Guardian of the Person ☐ Permanent Guardian.<sup>1</sup>

2. a. I was born on [specify date and year of birth]: **January 1, 2000**  
b. I live at [specify name and complete address of residence]:<sup>2</sup>

**1234 Main Street, Brooklyn, NY 12345**

c. I live with [specify]: **John Smith, Jeremy Smith, Jacob Smith**  
who is/are related to me as follows [specify]: **father, brother, uncle, respectively**

3. a. The name and residence of the proposed guardian are as follows:

Name: **John Smith**

Complete address:<sup>3</sup> **1234 Main Street, Brooklyn, NY 12345**

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<sup>1</sup>A "permanent guardian" may be appointed, pursuant to Family Court Act §661(b) and Surrogate's Court Procedure Act §1702(2) if the Court finds that it is in the best interests of a person under the age of 21, who has been committed to an authorized agency through termination of parental rights or surrender or whose birth parents or other persons entitled to notice of, or to consent to, adoption are deceased. Persons over the age of 18 must consent to such an appointment, which may last until the person reaches the age of 21.

<sup>2</sup> Unless the Court has ordered the address to be confidential on the ground that disclosure would pose an unreasonable health or safety risk. See Family Court Act §154-b; Form 21 (available at [www.nycourts.gov](http://www.nycourts.gov)).

<sup>3</sup> Unless the Court has ordered the address to be confidential on the ground that disclosure would pose an

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unreasonable health or safety risk. *See* Family Court Act §154-b; Form 21 (available at [www.nycourts.gov](http://www.nycourts.gov)).

b. He/She has consented to appointment as guardian, a copy of which is attached.

4. I ☐ am ☒ am not a Native American child under the age of 18 who is subject to the *Indian Child Welfare Act of 1978* (25 U.S.C. §§1901-1963). If so, the following have been notified [check applicable box(es)]:

☐ parent/custodian [specify name and give notification date]:

☐ tribe/nation [specify name and give notification date]:

☐ United States Secretary of the Interior [give notification date]:

5. My religion is [specify, if any]: **Catholic**

6. The names, relationship and post office addresses of my birth parents, the name and address of the person with whom I live, if other than my birth parent(s), on whom process should issue; and such other persons concerning whom the court is required to have information, are as follows: [If either birth parent is dead or has surrendered or has had parental rights terminated (TPR), so allege; if both parents are dead, indicate nearest adult next of kin]:

Relationship	Name	Complete Address <sup>4</sup>	Deceased?	TPR?	Surrender?
Birth mother:	<b>Jolene Sanders</b>	<b>Aldea La Tuna, Agua Blanca, Jutiapa, GUATEMALA</b>	No	No	No
Birth father:	<b>John Smith</b>	<b>1234 Main Street Brooklyn, NY 12345</b>	No	No	No

Person with whom  
I reside, if other  
than parents: **N/A**

Adult next of kin, if  
birth parents are dead: **N/A**

7. a. Appointing [specify proposed guardian]: **John Smith**

<sup>4</sup> Unless the Court has ordered the address to be confidential on the ground that disclosure would pose an unreasonable health or safety risk. See Family Court Act §154-b; Form 21 (available at [www.nycourts.gov](http://www.nycourts.gov)).

as the ☒ guardian of my person ☐ permanent guardian would be in my best interests and would preserve my legal rights because [specify facts regarding the suitability, ability and commitment of the proposed guardian to assume full legal responsibility and raise you to adulthood]:

I need a guardian to provide me with emotional support and guidance, financial support, stability, and support in getting my education. Before I came to the United States, I lived in Guatemala with my mother and my grandfather. My father came to the United States when I was little in order to support me. He always called me and sent me money and things that I needed while we were apart. Now that I live with him, he supports me financially and emotionally and enrolled me in school and in medical insurance. My dad should be my guardian because he takes really good care of me and always makes sure that I have enough food and clothes and anything else I need. I love him and I want to stay with him.

8. (Upon information and belief) No guardian pursuant to will or deed, or guardian of the person pursuant to Section 384 or 384-b of the Social Services Law, has been previously appointed for me, except [specify]: None.

9. Upon information and belief, [Check all applicable box(es)]:

a. ☒ The proposed guardian has never been the subject of an indicated report, as such term is defined in of the Social Services Law §412, that has been filed with the statewide register of child abuse and maltreatment pursuant Social Services Law §422.

☐ The proposed guardian was the subject of an indicated report, as defined in of the Social Services Law §412, that was filed with the statewide register of child abuse and maltreatment pursuant Social Services Law §422. [Specify the date of the report, determination of whether “indicated” or “unfounded,” status and circumstances to the extent known]:

☐ The proposed guardian is the subject of a report, as defined in of the Social Services Law §412, filed with the statewide register of child abuse and maltreatment pursuant Social Services Law §422, that remains under investigation. [Specify the date of the report, status and circumstances to the extent known]:

b. ☒ The proposed guardian has never been the subject of, or the respondent in, a child protective proceeding pursuant to Article Ten of the Family Court Act.

☐ The proposed guardian has been the subject of, or the respondent in, a child protective proceeding pursuant to Article Ten of the Family Court Act. [Specify whether the proceeding resulted in an order finding that a child or children was/were abused or neglected, indicate whether the petitioner was found to be abused or neglected and provide the date and status of the proceeding to the extent known]:

c. ☒ The proposed guardian has never been the subject of an Order of Protection or Temporary Order of Protection in any criminal, matrimonial or Family Court proceeding(s).

☐ The proposed guardian has been the subject of an Order of Protection or Temporary Order of Protection in a criminal, matrimonial or Family Court proceeding(s) as follows [specify the court, docket or index number, who was protected and who was restrained by the order, date of order, expiration date of order, next court date and status of case to the extent known]:

10. Upon information and belief, [check applicable box(es)]:

a. The following adults 18 or older live in the proposed guardian's home:

<u>Name</u>	<u>Relationship, if any, to subject of proceeding</u>	<u>Date of Birth</u>
John Smith	Father, proposed guardian	02/01/1979
Jeremy Smith	Brother	03/01/1998
Jacob Smith	Uncle	04/01/1982

b. ☒ None of the adults 18 or older living in the proposed guardian's home has ever been the subject of any indicated reports, as defined in of the Social Services Law §412, that were filed with the statewide register of child abuse and maltreatment pursuant Social Services Law §422.

☐ The following adults 18 or older living in the proposed guardian's home have been the subjects of indicated reports, as defined in of the Social Services Law §412, that were filed with the statewide register of child abuse and maltreatment pursuant Social Services Law §422. [Specify the name(s) of the adults, date(s) of the report(s), whether petitioner in this proceeding was the subject of the report(s), status and circumstances to the extent known]:

☐ The following adults 18 or older living in the proposed guardian's home are the subjects of reports, as defined in of the Social Services Law §412, filed with the statewide register of child abuse and maltreatment pursuant Social Services Law §422, that remain under investigation [Specify the name(s) of the adults, whether the subject of this proceeding is the subject of the report(s), date(s) of the report(s), status and circumstances to the extent known]:

c. ☒ None of the adults 18 or older living in the proposed guardian's home has ever been the subjects of, or the respondents in, child protective proceedings pursuant to Article Ten of the Family Court Act.

☐ the following adults 18 or older living in the proposed guardian's home have been the subjects of, or the respondents in, child protective proceedings pursuant to Article Ten of the

Family Court Act, as follows [Specify the names of the adults, whether the proceedings have resulted in orders finding that the child is an abused or neglected child, whether the petitioner in this proceeding was a subject of those proceedings and the date and status of the proceedings to the extent known]:

d. ☒ None of the adults 18 or older living in the proposed guardian's home has ever been the subjects of an Order of Protection or Temporary Order of Protection in any criminal, matrimonial or Family Court proceeding(s).

☐ the following adults 18 or older living in the proposed guardian's home have been the subjects of Orders of Protection or Temporary Orders of Protection in criminal, matrimonial or Family Court proceeding(s), as follows [specify the names of the adults, whether the adults are or were restrained or protected by the order(s), court, docket or index number, date of order, expiration date of order, next court date and status of cases to the extent known]:

11. My birth parent(s) [specify]: **Jolene Sanders** (mother) although living, should not be appointed as my guardian because:

Before I came to the United States, I lived in Guatemala with my mother and my grandfather. My dad came here to support me because my grandfather was too old to work and my mom drank so much alcohol that she was not able to work. She drank every day and would go out in the street and sometimes would not come home for days at a time. Other times, she would just lie there and not even be able to talk. It was really hard to see her like that and I felt like I didn't have a mom. Sometimes my grandfather hit me and my mom was too drunk to do anything to protect me. Now that I am here with my dad, I feel a lot better. He loves and provides for me and I feel safe here with him.

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

14. No prior application has been made to any court, including a Native- American tribunal, for the relief requested herein (except [specify]: None.

WHEREFORE, I am requesting that an order be entered appointing [specify]:

**John Smith**

to be the ☒ guardian of my person ☐ permanent guardian until I reach the age of: ☐ 18 ☒ 21 and that letters of guardianship issue.

Dated:

\_\_\_\_\_  
Signature of Petitioner

Julie Smith

\_\_\_\_\_  
Print or type name

\_\_\_\_\_  
Signature of Attorney, if any

Atty Name

\_\_\_\_\_  
Attorney's Name (Print or Type)

Atty Address

Atty Phone

\_\_\_\_\_  
Attorney's Address and Telephone Number

VERIFICATION

STATE OF NEW YORK                    )  
  ) ss.:  
COUNTY OF NEW YORK                )

Julie Smith, being duly sworn, says that (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.

Sworn to before me this

day of

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Petitioner

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(Deputy) Clerk of the Court  
Notary Public