

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF _____

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

Index No. _____

INITIAL REPORT
OF GUARDIAN

An Alleged Incapacitated Person

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TO THE SUPREME COURT, STATE OF NEW YORK:

_____, Guardian of the Property of _____, hereby
submits the Initial Report pursuant to MHL § 81.30:

1. _____ has completed the guardian education requirements pursuant to § 81.39 of the MHL at [Name of Sponsoring Organization]'s certified program on [date(s)]. _____ was one of the principal speakers and was co-chair of the program and was instrumental in putting the program together. In addition, _____ has lectured at several additional certified guardian programs sponsored by other organizations. A copy of the certificate is attached.

2. Property: The Guardian is still arranging to have all of the assets of _____ marshaled. The Guardian has contacted all of the financial institutions to have the name of the accounts changed to that of _____, as Guardian for _____.

(a) An inventory of the safe deposit box at _____ Bank was made; enclosed is a copy of the safe deposit box inventory listing the stock certificates and bonds. Subsequently, the safe deposit box was vacated while the Guardian and _____ were at _____; the key was returned to _____.

(b) Stocks and Bonds: Many of the bond coupons for the past few months or years had not been collected. The Guardian had the bonds placed with a broker for security purposes, to check on the status of the bonds and the status of the unpaid interest coupons. The interest coupons for the prior months and years have now been collected. In addition, several of the bonds had previously been called by the company. The broker has collected the redemption on all of the previously called bonds. The stock certificates were also placed in the hands of a broker; one of the stock certificates had been previously called by the company in [year], and that certificate was redeemed by the broker. Additional funds from the _____ have been deposited with the broker for purchase of additional tax-free municipal bonds. Copies of the current brokerage statements for the bonds and stocks are attached to this report.

(c) Accounts: _____ maintained several accounts at _____ Bank totaling \$_____.

3. The bank funds that have been collected in the name of the Guardian to date are:

Account at _____ Bank	\$ 18,490.65	
	<u>7,603.02</u>	\$ 26,093.67
Account at _____	\$ 2,420.04	
Joint account with _____	<u>53,881.09</u>	\$ 56,301.13
All Deposited at _____ Bank, _____, NY		
Acct. _____		
_____ Bank		\$ 51,051.31
_____, NY _____		
Acct. _____		
	Total	\$ 133,446.11

4. The Guardian is still constantly searching for additional assets, and is communicating with all of the different companies, which is a very extensive task. Many of the companies communicate via their standard computer letters, which are nonresponsive. The Guardian is still searching for additional assets, to be sure all assets are properly marshaled in Guardian accounts and sent to the Guardian's address. Most of the companies have been sending correspondence to the Guardian's address; however, some still persist in sending correspondence and checks directly to _____. Sometimes _____ saves the checks and correspondence for the Guardian; sometimes she cashes the checks; sometimes she deposits some of the checks into the account currently at _____ Bank. The manager of the _____ Bank branch saves receipts for the Guardian whenever they obtain receipts and other papers from _____.

5. _____'s Social Security check is in the sum of approximately \$ _____. The Guardian has contacted the Social Security Administration to be named as the Representative Payee.

6. (a) _____'s income tax return had not been filed; in addition, there was no application for an extension.

(b) The Guardian contacted an accountant and had provided the accountant with 1099 forms located and obtained for the years _____ and _____ and any other documents the Guardian was able to locate. Copies of the prior tax returns were obtained from _____.

The accountant is currently working to attempt to complete the [year] tax return. The Guardian will make application to the IRS and NYS Tax Department, requesting that any penalties for late filing be waived.

7. The Guardian has not located the original will for _____; however, the Guardian did locate a copy of a will signed on [date]. The will leaves all assets, after a few specific legacies, to charities. The Guardian has spoken to _____ of _____,

New York, the firm that drew the will. The original will is in their possession; he told me that _____ has been a client of the firm since about [date], and they have no record of any later will after [date].

8. The Guardian has visited with _____ on a regular basis, and has generally visited approximately _____ and sometimes more frequently. The Guardian has also arranged for _____ to sometimes visit with _____. In addition, the Guardian has engaged the services of a geriatric care manager, _____, who has visited with _____ on a regular basis (approximately 2 times a week). The geriatric care manager arranged for a birthday party for _____'s ____ birthday on [date].

9. The Guardian arranged for _____ to visit an eye doctor at the beginning of July, as she was complaining about pain in her eye. _____ had conjunctivitis; drops had to be placed in _____'s eyes four times each day; arrangements were made with a nurse from _____ and health aides to assist in administering the medication. _____ indicated she could not insert the drops on her own. The Guardian has made contact with Dr. _____, _____'s regular physician for many years.

10. _____ is very independent, and refuses to have anyone in the house for a period of time; she refuses to have a cleaning woman and refused to permit a health care attendant to stay in the apartment for four hours to insert the eye drops properly. She refused to permit the Guardian to purchase an air conditioner to combat the stifling heat, insisting she doesn't need it.

11. The Guardian has attempted to have _____ visit Senior Citizen Centers, but _____ refuses to attend. She still receives Meals-on-Wheels, which she looks forward to receiving. She refuses to permit the Guardian to purchase a large food order from the supermarket. The Guardian will continue to make attempts to involve _____ in activities and with other people.

12. At this time, there is no need for a change in the powers authorized by the Court. However, the Guardian believes that in the not-too-distant future, it may be necessary to apply to the Court for further powers and authority over the personal needs of _____.

13. The Court may also wish to authorize the granting of tax-free \$14,000 gifts per year to each of _____'s children. This would be in conformity with _____'s estate plan, as per her Last Will and Testament, and would save the estate any taxes on those amounts.

Dated: _____, New York
_____, _____

Respectfully submitted,

[Name]
Guardian
[Street Address]
[City, State Zip]

[Telephone No.]

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