§ 1704. Petition for appointment; contents

A petition for the appointment of a guardian of an infant must show:

1. The full name, domicile and date of birth of the infant.

2. The names of the parents whose consent to the adoption of a child would have been required pursuant to section one hundred eleven of the domestic relations law or who was entitled to notice of an adoption proceeding pursuant to section one hundred eleven-a of the domestic relations law, and whether or not they are living or have had their parental rights terminated pursuant to section three hundred eighty-three-c, section three hundred eighty-four or section three hundred eighty-four-b of the social services law or section six hundred thirty-one of the family court act, and if living, their domiciles, the name and address of the person with whom the infant resides and the names and addresses of the nearest distributees of full age who are domiciliaries, if both parents are dead.

3. Whether the infant has had at any time a guardian appointed by will or deed or an acting guardian in socage or guardianship and custody committed pursuant to section three hundred eighty-three-c, three hundred eighty-four or three hundred eighty-four-b of the social services law or section six hundred thirty-one of the family court act.

4. The estimated value of the real and personal property and of the annual income therefrom to which the infant is entitled.

5. If the infant is a non-domiciliary married person and the petition relates to personal property only, that the property is not subject to the control or disposition of the person's spouse by the law of his or her domicile, and the name and domicile of his or her spouse.

6. Whether the petitioner has knowledge that a person nominated to be a guardian therein, or any individual eighteen years of age or over who resides in the home of the proposed guardian is a subject of an indicated report, as such terms are defined in section four hundred

twelve of the social services law, filed with the statewide central register of child abuse and maltreatment pursuant to title six of article six of the social services law, or has been the subject of or the respondent in a child protective proceeding commenced under article ten of the family court act, which proceeding resulted in an order finding that the child is an abused or neglected child.

7. The petition may state the reasons why a person nominated would be a suitable guardian and if either parent be living why either of them should not be appointed guardian.

8. In addition, the petition for appointment of a permanent guardian of an infant or child shall include:

(a) an assessment to be performed by the local social services district, which shall contain:

(i) the full name and address of the person seeking to become the guardian;

(ii) the ability of the guardian to assume permanent care of the child;

(iii) the child's property and assets, if known;

(iv) the wishes of the child, if appropriate;

(v) the results of the criminal history record check with the division of criminal justice services of the guardian and any person eighteen years of age or older residing in the guardian's household conducted by the office of children and family services pursuant to subdivision two of section three hundred seventy-eight-a of the social services law if such a criminal history record check has been completed;

(vi) the results of a search of the statewide central register of child abuse and maltreatment records regarding the guardian and any person eighteen years of age or older residing in the guardian's household, including whether such person has been the subject of an indicated report conducted pursuant to subparagraph (e) of paragraph (A) of subdivision four of section four hundred twenty-two of the social services law, if such a search has been conducted; and

(vii) the results of all inspections and assessments of the guardian's home and the child's progress while placed in the home, if any;

(b) a certified copy of the order or orders terminating the parental

rights of the child's parents or approving the surrender of the child or the death certificates of the child's parents, as applicable;

(c) the recommendation of the authorized agency involved, if any; and

(d) the suitability, ability and commitment of the permanent guardian to assume full legal responsibility for the child and raise the child to adulthood.