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How to Complete Your New York Appointment of Guardian by Deed

Appointment of Guardian by Deed — New York

INSTRUCTIONS — KEEP FOR YOUR RECORDS. DO NOT ATTACH THIS PAGE TO YOUR FORM.

About this form. New York lets a **surviving parent** (when the other parent has died) appoint a guardian for their children by a signed deed, as an alternative to a will. The appointment takes effect on the parent's death, and the guardian may act only after the deed is recorded as Surrogate's Court Procedure Act § 1710 requires.

1. **Confirm it fits your situation**
   This deed is for a surviving parent. If both parents are living, name a guardian in your will, or use the Designation of Standby Guardian, which is on our website.

2. **Name the guardian and alternate**
   Enter each child's name and date of birth, the guardian, and an alternate.

3. **Sign in front of a notary**
   Do **not** sign ahead of time. Bring a current government-issued photo ID. The guardian may sign the consent.

After It's Signed

- Keep the original with your important papers and tell the guardian where it is.
- After your death, the guardian should have the deed recorded with the Surrogate's Court, which still decides what is best for the child.

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Have questions about this form? To consult with an attorney, contact **Gavrilov & Brooks Law Firm** at **(916) 504-0529** or **www.gavrilovlaw.com**, 2315 Capitol Avenue, Sacramento, CA 95816. **Attorneys licensed in New York.** Main headquarters in Sacramento, California.

This form is provided as a free convenience. First Choice Mobile Notary & Apostille is not a law firm, and a notary public cannot give legal advice or help you decide what to write on this form. These instructions are general information only and are not legal advice. If you have questions about your situation, consult a licensed New York attorney.

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APPOINTMENT OF GUARDIAN BY DEED

New York Domestic Relations Law § 81

THIS DEED OF APPOINTMENT is made under Domestic Relations Law § 81 and Surrogate's Court Procedure Act § 1710.

I, _____, residing at _____, am the surviving parent of the following child(ren). The other parent, _____, died on _____.

Child: _____ Date of birth: _____

Child: _____ Date of birth: _____

Child: _____ Date of birth: _____

Appointment

Upon my death, I appoint _____, residing at _____, as guardian of the person and property of each child named above during the child's minority. (Cross out "person" or "property" to limit the appointment.)

If that person cannot or will not serve, I appoint _____, residing at _____, as alternate guardian.

Reasons and Wishes (optional)

I direct that this deed be recorded as provided by Surrogate's Court Procedure Act § 1710. I revoke any prior deed of appointment of a guardian for these children.

_____ _____

Signature of parent Date

_____ _____

Printed name Telephone / email (optional)

Consent of Guardian (recommended)

_____ _____

Guardian signature Alternate guardian signature

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ACKNOWLEDGMENT IN NEW YORK (Real Property Law § 309-a)

State of New York)
) ss.:
County of _____)

On the _____ day of _____ in the year _____ before me, the undersigned, personally appeared _____ personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

_____

Signature and office of individual taking acknowledgment

Notary Public, State of New York; Qualified in _____ County

Registration No. _____; Commission Expires _____

(Notary stamp)

ACKNOWLEDGMENT OUTSIDE NEW YORK (Real Property Law § 309-b)

Use this certificate instead of the New York certificate if the document is signed outside New York State.

State (or District / Country) of _____)
) ss.:
County of _____)

On the _____ day of _____ in the year _____ before me, the undersigned, personally appeared _____ personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument, and that such individual made such appearance before the undersigned in _____.

insert the city or other political subdivision and the state or country or other place the acknowledgment was taken

_____

Signature and office of individual taking acknowledgment

(Notary seal or stamp)

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