

Petition Requirements

- Proceeding Title (SCPA 304(1))
- Petitioner's Name and Domicile (SCPA 304(1))
- Decedent's Name and Domicile (SCPA 304(1))
- State the basis of the Court's subject matter jurisdiction (Domicile, presence of property, etc.) (SCPA 304(2))
- Interested Parties (SCPA 304(3):
 - Names AND addresses of all interested persons
 - Not under any disabilities (304(a-c))
 - Statement that these are the ONLY interested parties (No one else is interested) (304(4))
- Other facts designed to inform the court how best to protect the interest of the listed persons
- Petition for Guardianship or Adoption requires birth certificate of infant or adoptee (UCR 207.15(a))
- Funeral charges, have they been paid, seeking reimbursement?
- Statement as to whether there was a prior application for similar relief (CPLR 2217) **(MLT: ONLY REQUIRED FOR EX-PARTE APPLICATIONS)**
- WHEREFORE clause requesting relief (SCPA 304(5))
- 130.1 affirmation stating that this is not a frivolous lawsuit (UCR 130.1)
- Signed by petitioner (Judge Johnson requires Petitioner's signature, not attorney), unless allowed by CPLR 3020 (such as client resides outside NY State)
- Verification:
 - Proper wording
 - Notarized signature of the PETITIONER.