

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF _____

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In the Matter of the Application of

Index No. _____

_____, Petitioner

Pursuant to Article 81 of the Mental Hygiene Law
for the Appointment of a Guardian of the Person
and Property of

AFFIDAVIT OF COURT
EVALUATOR TO RETAIN
INDEPENDENT MEDICAL
EXPERT

An Alleged Incapacitated Person,
Respondent.

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STATE OF NEW YORK)

) SS.:

COUNTY OF _____)

_____, being duly sworn, deposes and states:

1. I was appointed as the Court Evaluator in this proceeding to have a Guardian appointed for _____.

2. _____ is approximately ____ years of age.

3. I am submitting this affidavit in support of my application that I be given permission and authority to retain an independent medical expert.

4. I believe it is necessary in this case that there be an Independent Medical Expert's Report.

5. Since [date], Mrs. _____ has been under the care of a doctor, Dr. _____, who has been her treating physician since [date].

6. I wish to state I had a very unusual conversation with Dr. _____. I was told by his secretary that Dr. _____ had recently received several calls regarding _____. When I spoke to Dr. _____ the next day, after I explained to him who I was, before I could even pose one question, Dr. _____ stated that he knows and understands everything and [Provide details]. This was prior to my asking any questions.

7. Practically every other person I have spoken to stated that for approximately the past ____ years or so, _____ was incapacitated in that it was most difficult to maintain a regular conversation with her, she had no comprehension regarding any financial details, and