S T A T E O F N E W Y O R K

1213

2011-2012 Regular Sessions

I N S E N A T E

January 6, 2011

Introduced by Sen. STAVISKY -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary

AN ACT to amend the surrogate's court procedure act, in relation to restricting certain access to records kept by the court

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Subdivision 8 of section 2501 of the surrogate's court procedure act is amended to read as follows:

8. All books and records other than those sealed are open to inspection of any person at reasonable times PROVIDED, HOWEVER, ACCESS TO SUCH BOOKS AND RECORDS IS NOT FOR A BUSINESS OR COMMERCIAL PURPOSE. A BUSINESS OR COMMERCIAL PURPOSE SHALL NOT INCLUDE A DEBTOR OF AN ESTATE SEEKING ACCESS TO RECORDS OF SUCH ESTATE OR AN ATTORNEY SEEKING ACCESS TO BOOKS AND RECORDS ON BEHALF OF AN INTERESTED PARTY, ESTATE OR BENEFICIARY.

ANY PERSON SEEKING TO INSPECT ANY BOOKS OR RECORDS, OTHER THAN THOSE SEALED, SHALL COMPLETE A FORM WHICH SHALL BE PROVIDED BY THE COURT. SUCH FORM SHALL REQUIRE SUCH PERSON SEEKING ACCESS TO ANY SUCH BOOKS AND RECORDS TO DISCLOSE SUCH PERSON'S NAME, ADDRESS, TELEPHONE NUMBER AND PURPOSE OF SUCH INSPECTION. SUCH PERSON SHALL BE REQUIRED TO AGREE, UNDER PENALTY OF PERJURY, ANY INFORMATION OBTAINED FROM SUCH BOOKS AND RECORDS SHALL NOT BE USED FOR BUSINESS OR COMMERCIAL PURPOSES, EXCEPT AS PROVIDED IN THIS SUBDIVISION, AND SUCH PERSON OR AN AGENT OF SUCH PERSON SHALL NOT CONTACT ANY MEMBER OF A DECEDENT'S FAMILY OR ANY BENEFICIARIES OF A DECEDENT, EXCEPT FOR CLAIMS AND ENTITLEMENTS DIRECTLY RELATED TO SUCH DECEDENT'S ESTATE. COMPLETED FORMS SHALL BE RETAINED BY THE COURT.

S 2. This act shall take effect on the first of January next succeeding the date on which it shall have become a law; provided however, effective immediately, the addition, amendment and/or repeal of any rules or regulations and the production of forms necessary for the implementation of this act on its effective date are authorized and directed to be made and completed on or before such effective date.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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