

1379

2009-2010 Regular Sessions

I N S E N A T E

January 29, 2009

Introduced by Sens. STAVISKY, ADAMS, DIAZ, DUANE -- 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:

1 Section 1. Subdivision 8 of section 2501 of the surrogate's court
2 procedure act is amended to read as follows:
3 8. All books and records other than those sealed are open to
4 inspection of any person at reasonable times PROVIDED, HOWEVER, ACCESS
5 TO SUCH BOOKS AND RECORDS IS NOT FOR A BUSINESS OR COMMERCIAL PURPOSE. A
6 BUSINESS OR COMMERCIAL PURPOSE SHALL NOT INCLUDE A DEBTOR OF AN ESTATE
7 SEEKING ACCESS TO RECORDS OF SUCH ESTATE OR AN ATTORNEY SEEKING ACCESS
8 TO BOOKS AND RECORDS ON BEHALF OF AN INTERESTED PARTY, ESTATE OR BENEFI-
9 CIARY.
10 ANY PERSON SEEKING TO INSPECT ANY BOOKS OR RECORDS, OTHER THAN THOSE
11 SEALED, SHALL COMPLETE A FORM WHICH SHALL BE PROVIDED BY THE COURT. SUCH
12 FORM SHALL REQUIRE SUCH PERSON SEEKING ACCESS TO ANY SUCH BOOKS AND
13 RECORDS TO DISCLOSE SUCH PERSON'S NAME, ADDRESS, TELEPHONE NUMBER AND
14 PURPOSE OF SUCH INSPECTION. SUCH PERSON SHALL BE REQUIRED TO AGREE,
15 UNDER PENALTY OF PERJURY, ANY INFORMATION OBTAINED FROM SUCH BOOKS AND
16 RECORDS SHALL NOT BE USED FOR BUSINESS OR COMMERCIAL PURPOSES, EXCEPT AS
17 PROVIDED IN THIS SUBDIVISION, AND SUCH PERSON OR AN AGENT OF SUCH PERSON
18 SHALL NOT CONTACT ANY MEMBER OF A DECEDENT'S FAMILY OR ANY BENEFICIARIES
19 OF A DECEDENT, EXCEPT FOR CLAIMS AND ENTITLEMENTS DIRECTLY RELATED TO
20 SUCH DECEDENT'S ESTATE. COMPLETED FORMS SHALL BE RETAINED BY THE COURT.
21 S 2. This act shall take effect on the first of January next succeed-
22 ing the date on which it shall have become a law; provided however,
23 effective immediately, the addition, amendment and/or repeal of any
24 rules or regulations and the production of forms necessary for the
25 implementation of this act on its effective date are authorized and
26 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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