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

1609

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. ZEBROWSKI, COOK -- Multi-Sponsored by -- M. of A. BOYLAND, BRENNAN, COLTON, MAISEL, PERRY, TITONE, WRIGHT -- read once and referred to the Committee on Judiciary

AN ACT to amend the judiciary law, in relation to the fee rates for counsel appointed in the supreme court or surrogate's court for certain family matters

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

Section 1. Subdivision 7 of section 35 of the judiciary law, as added by chapter 571 of the laws of 1989, is amended to read as follows:

7. Whenever the supreme court or a surrogate's court shall appoint counsel in a proceeding over which the family court might have exercised jurisdiction had such action or proceeding been commenced in family court or referred thereto pursuant to law, and under circumstances whereby, if such proceeding were pending in family court, such court would be authorized by section two hundred forty-nine of the family court act to appoint a law guardian, such counsel shall be compensated [in accordance with the provisions of this section] AND ALLOWED EXPENSES AND DISBURSEMENTS IN THE SAME AMOUNTS AS ESTABLISHED BY SECTION TWO HUNDRED FORTY-FIVE OF THE FAMILY COURT ACT.

S 2. This act shall take effect immediately and shall apply to applications or proceedings pending on or after its effective date.

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

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