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

2003

2009-2010 Regular Sessions

I N A S S E M B L Y

January 14, 2009

Introduced by M. of A. WEISENBERG -- read once and referred to the Committee on Judiciary

AN ACT to amend the surrogate's court procedure act, in relation to a surrogate decision-making committee acting as the guardian of a mentally retarded person

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

Section 1. The closing paragraph of paragraph (a) of subdivision 1 of section 1750-b of the surrogate's court procedure act, as added by chapter 262 of the laws of 2008, is amended to read as follows:

In the case of a person for whom no guardian has been appointed pursuant to this article or for whom there is no qualified family member available to make such a decision, a "guardian" shall also mean, notwithstanding the definitions in section 80.03 of the mental hygiene law, a surrogate [court] decision-making committee, as defined in article eighty of the mental hygiene law. All declarations and procedures, including expedited procedures, to comply with this section shall be established by regulations promulgated by the commission on quality of care and advocacy for persons with disabilities.

S 2. This act shall take effect immediately.

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

LBD06067-01-9