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

6139

2009-2010 Regular Sessions

I N A S S E M B L Y

February 26, 2009

Introduced by M. of A. BRENNAN, MILLMAN, JAFFEE, REILLY, RUSSELL -- Multi-Sponsored by -- M. of A. AUBRY, BRADLEY, GLICK, GOTTFRIED, ROBINSON, SWEENEY, WEISENBERG -- read once and referred to the Committee on Judiciary

AN ACT to amend the surrogate's court procedure act, in relation to the confirmation of standby guardians

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

Section 1. Subdivision 2 of section 1757 of the surrogate's court procedure act, as added by chapter 675 of the laws of 1989, is amended to read as follows:

2. Such standby guardian, or alternate in the event of [such] such standby guardian's death, incapacity or renunciation, shall without further proceedings be empowered to assume the duties of his or her office immediately upon death, renunciation or adjudication of incompetency of the guardian or standby guardian appointed pursuant to this article, subject only to confirmation of his or her appointment by the court within [sixty] ONE HUNDRED EIGHTY days following assumption of his or her duties of such office. Before confirming the appointment of the standby guardian or alternate guardian, the court may conduct a hearing pursuant to section seventeen hundred fifty-four of this article upon petition by anyone on behalf of the mentally retarded or developmentally disabled person or the mentally retarded or developmentally disabled person if such person is eighteen years of age or older, or upon its discretion.

S 2. This act shall take effect immediately.

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

LBD08686-01-9