

2782

2009-2010 Regular Sessions

I N S E N A T E

March 2, 2009

Introduced by Sen. ADAMS -- 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 the confirmation of standby guardians

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

1 Section 1. Subdivision 2 of section 1757 of the surrogate's court
2 procedure act, as added by chapter 675 of the laws of 1989, is amended
3 to read as follows:
4 2. Such standby guardian, or alternate in the event of [such] such
5 standby guardian's death, incapacity or renunciation, shall without
6 further proceedings be empowered to assume the duties of his or her
7 office immediately upon death, renunciation or adjudication of incompe-
8 tency of the guardian or standby guardian appointed pursuant to this
9 article, subject only to confirmation of his or her appointment by the
10 court within [sixty] ONE HUNDRED EIGHTY days following assumption of his
11 or her duties of such office. Before confirming the appointment of the
12 standby guardian or alternate guardian, the court may conduct a hearing
13 pursuant to section seventeen hundred fifty-four of this article upon
14 petition by anyone on behalf of the mentally retarded or developmentally
15 disabled person or the mentally retarded or developmentally disabled
16 person if such person is eighteen years of age or older, or upon its
17 discretion.
18 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