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I N S E N A T E

April 18, 2012

Introduced by Sen. HANNON -- 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 guardianship succession procedures and time frames

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

1 Section 1. Section 1757 of the surrogate's court procedure act is
2 amended by adding a new subdivision 3 to read as follows:
3 3. FAILURE OF A STANDBY OR ALTERNATE STANDBY GUARDIAN TO ASSUME THE
4 DUTIES OF GUARDIAN, SEEK COURT CONFIRMATION OR TO RENOUNCE THE GUARDIAN-
5 SHIP WITHIN SIXTY DAYS OF WRITTEN NOTICE BY CERTIFIED MAIL OR PERSONAL
6 DELIVERY GIVEN BY OR ON BEHALF OF THE MENTALLY RETARDED OR DEVELOP-
7 MENTALLY DISABLED PERSON OF A PRIOR GUARDIAN'S INABILITY TO SERVE AND
8 THE STANDBY OR ALTERNATE STANDBY GUARDIAN'S DUTY TO SERVE, SEEK COURT
9 CONFIRMATION OR RENOUNCE SUCH ROLE SHALL ALLOW THE COURT TO:
10 (A) DEEM THE FAILURE AN IMPLIED RENUNCIATION OF GUARDIANSHIP, AND
11 (B) AUTHORIZE, NOTWITHSTANDING THE TIME PERIOD PROVIDED FOR IN SUBDI-
12 VISION TWO OF THIS SECTION TO SEEK COURT CONFIRMATION, ANY REMAINING
13 STANDBY OR ALTERNATE STANDBY GUARDIAN TO SERVE IN SUCH CAPACITY PROVIDED
14 (I) AN APPLICATION FOR CONFIRMATION AND APPROPRIATE NOTICES PURSUANT TO
15 SUBDIVISION ONE OF SECTION SEVENTEEN HUNDRED FIFTY-THREE OF THIS ARTICLE
16 ARE FILED, OR (II) AN APPLICATION FOR MODIFICATION OF THE GUARDIANSHIP
17 ORDER PURSUANT TO SECTION SEVENTEEN HUNDRED FIFTY-FIVE OF THIS ARTICLE
18 IS FILED.
19 S 2. This act shall take effect immediately.

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

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