

2015-2016 Regular Sessions

I N S E N A T E

(PREFILED)

January 7, 2015

Introduced by Sens. HOYLMAN, ESPAILLAT -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary

AN ACT to amend the estates, powers and trusts law and the surrogate's court procedure act, in relation to making technical corrections related to marriage equality

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

- 1 Section 1. Subparagraphs 6 and 7 of paragraph (a) of section 4-1.1 of
2 the estates, powers and trusts law, as amended by chapter 595 of the
3 laws of 1992, are amended to read as follows:
4 (6) One or more grandparents or the issue of grandparents (as herein-
5 after defined), and no spouse, issue, parent or issue of parents, one-
6 half to the surviving [paternal] grandparent or grandparents OF ONE
7 PARENTAL SIDE, or if neither of them survives the decedent, to their
8 issue, by representation, and the other one-half to the surviving
9 [maternal] grandparent or grandparents OF THE OTHER PARENTAL SIDE, or if
10 neither of them survives the decedent, to their issue, by represen-
11 tation; provided that if the decedent was not survived by a grandparent
12 or grandparents on one side or by the issue of such grandparents, the
13 whole to the surviving grandparent or grandparents on the other side, or
14 if neither of them survives the decedent, to their issue, by represen-
15 tation, in the same manner as the one-half. For the purposes of this
16 subparagraph, issue of grandparents shall not include issue more remote
17 than grandchildren of such grandparents.
18 (7) Great-grandchildren of grandparents, and no spouse, issue, parent,
19 issue of parents, grandparent, children of grandparents or grandchildren
20 of grandparents, one-half to the great-grandchildren of the [paternal]
21 grandparents OF ONE PARENTAL SIDE, per capita, and the other one-half to
22 the great-grandchildren of the [maternal] grandparents OF THE OTHER
23 PARENTAL SIDE, per capita; provided that if the decedent was not

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

LBD01397-01-5

1 survived by great-grandchildren of grandparents on one side, the whole
2 to the great-grandchildren of grandparents on the other side, in the
3 same manner as the one-half.

4 S 2. Paragraph (d) of section 6-2.2 of the estates, powers and trusts
5 law, as amended by chapter 480 of the laws of 1995, is amended to read
6 as follows:

7 (d) A disposition of real property, or a disposition on or after Janu-
8 ary first, nineteen hundred ninety-six of the shares of stock of a coop-
9 erative apartment corporation allocated to an apartment or unit together
10 with the appurtenant proprietary lease, to persons who are not legally
11 married to one another but who are described in the disposition as
12 husband and wife, SPOUSES, HUSBANDS, OR WIVES creates in them a joint
13 tenancy, unless expressly declared to be a tenancy in common.

14 S 3. Paragraph (d) of subdivision 1 of section 1001 of the surrogate's
15 court procedure act, as amended by chapter 595 of the laws of 1992, is
16 amended to read as follows:

17 (d) [the father or mother] EITHER PARENT,

18 S 4. Paragraph (c) of subdivision 3 of section 1310 of the surrogate's
19 court procedure act, as amended by chapter 514 of the laws of 1993, is
20 amended to read as follows:

21 (c) [the father or mother] EITHER PARENT,

22 S 5. Subdivision 2 of section 1704 of the surrogate's court procedure
23 act, as amended by chapter 404 of the laws of 2008, is amended to read
24 as follows:

25 2. The names of the [father and the mother] PARENTS whose consent to
26 the adoption of a child would have been required pursuant to section one
27 hundred eleven of the domestic relations law or who was entitled to
28 notice of an adoption proceeding pursuant to section one hundred
29 eleven-a of the domestic relations law, and whether or not they are
30 living or have had their parental rights terminated pursuant to section
31 three hundred eighty-three-c, section three hundred eighty-four or
32 section three hundred eighty-four-b of the social services law or
33 section six hundred thirty-one of the family court act, and if living,
34 their domiciles, the name and address of the person with whom the infant
35 resides and the names and addresses of the nearest distributees of full
36 age who are domiciliaries, if both [father and mother] PARENTS are dead.

37 S 6. Subdivision 3 of section 1752 of the surrogate's court procedure
38 act, as added by chapter 675 of the laws of 1989, is amended to read as
39 follows:

40 3. the names of the [father, the mother] PARENTS, children, adult
41 siblings if eighteen years of age or older, the spouse and primary care
42 physician if other than a physician having submitted a certification
43 with the petition, if any, of the mentally retarded or developmentally
44 disabled person and whether or not they are living, and if living, their
45 addresses and the names and addresses of the nearest distributees of
46 full age who are domiciliaries, if both parents are dead;

47 S 7. This act shall take effect immediately.