

7596

2015-2016 Regular Sessions

I N A S S E M B L Y

May 20, 2015

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

AN ACT to amend the mental hygiene law, in relation to the effect of
registration for purposes of the uniform guardianship and protective
proceedings jurisdiction act

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

1 Section 1. Subdivision (i) of section 83.03 of the mental hygiene law,
2 as added by chapter 427 of the laws of 2013, is amended to read as
3 follows:
4 (i) "Protective order" means an order appointing a conservator, guard-
5 ian of the property or other order related to management of an adult's
6 property.
7 S 2. Section 83.39 of the mental hygiene law, as added by chapter 427
8 of the laws of 2013, is amended to read as follows:
9 S 83.39 Effect of registration.
10 (a) Upon registration of an order appointing a guardian of the person
11 or protective order from another state, the guardian of the person or
12 guardian of the property may exercise in this state all powers author-
13 ized in the order of appointment OR PROTECTIVE ORDER except as prohibit-
14 ed under the laws of this state[, including maintaining actions and
15 proceedings in this state and selling real property] and, if the guardi-
16 an of the person or guardian of the property is not a resident of this
17 state, subject to any conditions imposed upon nonresident parties.
18 (b) A court of this state may grant any relief available under this
19 article and other law of this state to enforce a registered order.
20 (C) NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, UPON REGIS-
21 TRATION OF AN ORDER APPOINTING A GUARDIAN OF THE PERSON OR PROTECTIVE
22 ORDER FROM ANOTHER STATE, THE GUARDIAN OF THE PERSON OR GUARDIAN OF THE
23 PROPERTY, IF SO AUTHORIZED IN THE ORDER OF APPOINTMENT OR PROTECTIVE
24 ORDER, MAY COMMENCE AND DEFEND ACTIONS AND PROCEEDINGS IN THIS STATE.

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

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1 (D) UPON REGISTRATION OF A PROTECTIVE ORDER FROM ANOTHER STATE, THE
2 GUARDIAN OF THE PROPERTY, IF SO AUTHORIZED IN THE PROTECTIVE ORDER, MAY
3 PETITION THE COURT PURSUANT TO ARTICLE SEVENTEEN OF THE REAL PROPERTY
4 ACTIONS AND PROCEEDINGS LAW, FOR PERMISSION TO DISPOSE OF THE REAL PROP-
5 ERTY, OR AN INTEREST IN THE REAL PROPERTY, OF THE PROTECTED PERSON.
6 S 3. This act shall take effect immediately.