

5482

2015-2016 Regular Sessions

I N S E N A T E

May 14, 2015

Introduced by Sen. HANNON -- read twice and ordered printed, and when printed to be committed to the Committee on Mental Health and Developmental Disabilities

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 ASSEMBLY, 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

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

LBD10986-02-5

1 PROPERTY, IF SO AUTHORIZED IN THE ORDER OF APPOINTMENT OR PROTECTIVE  
2 ORDER, MAY COMMENCE AND DEFEND ACTIONS AND PROCEEDINGS IN THIS STATE.

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

8 S 3. This act shall take effect immediately.