STATE OF NEW YORK

3387

2017-2018 Regular Sessions

IN ASSEMBLY

January 27, 2017

Introduced by M. of A. O'DONNELL -- read once and referred 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:

Section 1. Subparagraphs 6 and 7 of paragraph (a) of section 4-1.1 of the estates, powers and trusts law, as amended by chapter 595 of the laws of 1992, are amended to read as follows:

(6) One or more grandparents or the issue of grandparents (as hereinafter defined), and no spouse, issue, parent or issue of parents, one-half to the surviving [~~paternal~~] grandparent or grandparents **of one parental side**, or if neither of them survives the decedent, to their issue, by representation, and the other one-half to the surviving [~~maternal~~] grandparent or grandparents **of the other parental side**, or if neither of them survives the decedent, to their issue, by representation; provided that if the decedent was not survived by a grandparent or grandparents on one side or by the issue of such grandparents, the whole to the surviving grandparent or grandparents on the other side, or if neither of them survives the decedent, to their issue, by representation, in the same manner as the one-half. For the purposes of this subparagraph, issue of grandparents shall not include issue more remote than grandchildren of such grandparents.

(7) Great-grandchildren of grandparents, and no spouse, issue, parent, issue of parents, grandparent, children of grandparents or grandchildren of grandparents, one-half to the great-grandchildren of the [~~paternal~~] grandparents **of one parental side**, per capita, and the other one-half to the great-grandchildren of the [~~maternal~~] grandparents **of the other parental side**, per capita; provided that if the decedent was not survived by great-grandchildren of grandparents on one side, the whole

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

LBD04185-01-7

to the great-grandchildren of grandparents on the other side, in the same manner as the one-half.

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

(d) A disposition of real property, or a disposition on or after January first, nineteen hundred ninety-six of the shares of stock of a cooperative apartment corporation allocated to an apartment or unit together with the appurtenant proprietary lease, to persons who are not legally married to one another but who are described in the disposition as husband and wife**, spouses, husbands, or wives** creates in them a joint tenancy, unless expressly declared to be a tenancy in common.

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

(d) [~~the father or mother~~] **either parent**,

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

(c) [~~the father or mother~~] **either parent**,

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

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

§ 6. Subdivision 3 of section 1752 of the surrogate's court procedure act, as amended by chapter 198 of the laws of 2016, is amended to read as follows:

3. the names of the [~~father, the mother~~] **parents**, children, adult siblings if eighteen years of age or older, the spouse and primary care physician if other than a physician having submitted a certification with the petition, if any, of the person who is intellectually disabled or a person who is developmentally disabled and whether or not they are living, and if living, their addresses and the names and addresses of the nearest distributees of full age who are domiciliaries, if both parents are dead;

§ 7. This act shall take effect immediately.