

STATE OF NEW YORK

9080

IN SENATE

November 4, 2020

Introduced by Sen. SEPULVEDA -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the surrogate's court procedure act, in relation to court filing

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 2611 of the surrogate's court procedure act is
2 amended by adding a new subdivision 4 to read as follows:

3 4. (a) In accordance with paragraph (c) of rule 2101 of the civil
4 practice law and rules, a surrogate court clerk or chief clerk shall
5 refuse to accept for filing papers filed in a proceeding only under the
6 following circumstances or as designated in statute, administrative rule
7 or order of the court;

8 (i) the paper does not have a file number;

9 (ii) the petition, decree or order sought to be filed with the court
10 contains the words "et al" or otherwise does not contain a full caption;

11 (iii) the paper sought to be filed with the clerk is filed in the
12 wrong court;

13 (iv) the paper is not signed in accordance with section 130-1.1-a of
14 the rules of the chief administrator; or

15 (v) the paper sought to be filed is in a proceeding subject to elec-
16 tronic filing pursuant to the rules of the chief administrator but is
17 not being filed electronically, and either

18 (A) is not being filed by an unrepresented litigant; or

19 (B) does not include the notice required by paragraph 1 of subdivision
20 d of section 202.5-b of such rules.

21 (b) The chief clerk shall require the payment of any applicable statu-
22 tory fees, or an order of the court waiving payment of such fees, before
23 accepting a paper for filing.

24 (c) A clerk or chief clerk of the court shall signify a refusal to
25 accept a paper by use of a stamp on the paper indicating the date of the
26 refusal and shall explain in writing on the paper the reason for the
27 refusal.

28 (d) Any ex parte application requesting an order of the surrogate
29 shall be entertained or passed upon within two days of its filing.

30 § 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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