

STATE OF NEW YORK

294

2021-2022 Regular Sessions

IN SENATE

(Prefiled)

January 6, 2021

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

AN ACT to amend the surrogate's court procedure act, in relation to
removing the prohibition on individuals convicted of a felony that
prevents them from being appointed fiduciary of an estate

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

1 Section 1. Paragraphs (d) and (e) of subdivision 1 and subdivision 2
2 of section 707 of the surrogate's court procedure act, paragraph (e) of
3 subdivision 1 as amended by chapter 514 of the laws of 1993, are amended
4 and a new subdivision 3 is added to read as follows:

5 (d) [~~a-felon~~
6 ~~(e)~~] one who does not possess the qualifications required of a fiduci-
7 ary by reason of substance abuse, dishonesty, improvidence, want of
8 understanding, or who is otherwise unfit for the execution of the
9 office.

10 2. Persons ineligible in court's discretion. The court may declare
11 ineligible to act as fiduciary:

12 (a) a person unable to read and write the English language; or
13 (b) an individual convicted of a felony whose crime may be adverse to
14 the welfare of the estate, including but not limited to, crimes such as
15 embezzlement or any crime where there was a misappropriation of money or
16 a breach of fiduciary duty.

17 3. Interpreter. Upon request of a person subject to the court's
18 discretion under subdivision two of this section, the court shall
19 provide an interpreter to interpret the testimony of any person who does
20 not speak the English language well enough to be readily understood.

21 § 2. This act shall take effect immediately.

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

LBD02510-01-1