

STATE OF NEW YORK

3164

2021-2022 Regular Sessions

IN SENATE

January 28, 2021

Introduced by Sen. SEPULVEDA -- 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 persons who may become a voluntary administrator

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

1 Section 1. Subdivision (a) of section 1303 of the surrogate's court
2 procedure act, as amended by chapter 281 of the laws of 1995, is amended
3 to read as follows:

4 (a) If the deceased dies intestate, the right to act as a voluntary
5 administrator is hereby given [~~first to the surviving adult spouse, if~~
6 ~~any, of the decedent and if there be none or if the spouse renounce,~~
7 ~~then in order to a competent adult who is a child or~~] in the following
8 order to a competent adult distributee who is the surviving spouse,
9 child, grandchild, parent, brother or sister, niece or nephew or aunt or
10 uncle of the decedent, or if there be no such person who will act, then
11 to the guardian of the property of an infant, the committee of the prop-
12 erty of any incompetent person or the conservator of the property of a
13 conservatee [~~who is a distributee~~], the fiduciary of a deceased distri-
14 butee, or to a competent adult who is not a distributee upon the filed
15 consent of all competent distributees, and if none of the foregoing
16 named persons will act or if there are no known distributees within the
17 categories listed above, then to the chief fiscal officer of the county
18 except in those counties in which a public administrator has been
19 appointed under articles eleven and twelve of this act. [~~After the~~
20 ~~surviving spouse, the first distributee within the class of persons~~
21 ~~entitled or if no distributee will act or there are no known distribu-~~
22 ~~tees within the class of persons entitled, then the chief fiscal officer~~
23 ~~of the county as above who makes and files the required affidavit,~~] Upon
24 filing the required affidavit, the person having the right to act is
25 authorized to act as voluntary administrator, or as successor voluntary

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

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1 administrator in the event of the death or resignation of the voluntary
2 administrator before the completion of the settlement of the estate.
3 § 2. This act shall take effect on the thirtieth day after it shall
4 have become a law.