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:

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

(a) If the deceased dies intestate, the right to act as a voluntary administrator is hereby given [~~first to the surviving adult spouse, if any, of the decedent and if there be none or if the spouse renounce, then in order to a competent adult who is a child or~~] **in the following order to a competent adult distributee who is the surviving spouse, child,** grandchild, parent, brother or sister, niece or nephew or aunt or uncle of the decedent, or if there be no such person who will act, then to the guardian of the property of an infant, the committee of the property of any incompetent person or the conservator of the property of a conservatee [~~who is a distributee~~]**, the fiduciary of a deceased distributee, or to a competent adult who is not a distributee upon the filed consent of all competent distributees,** and if none of the foregoing named persons will act or if there are no known distributees within the categories listed above, then to the chief fiscal officer of the county except in those counties in which a public administrator has been appointed under articles eleven and twelve of this act. [~~After the surviving spouse, the first distributee within the class of persons entitled or if no distributee will act or there are no known distributees within the class of persons entitled, then the chief fiscal officer of the county as above who makes and files the required affidavit,~~] **Upon filing the required affidavit, the person having the right to act** is 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.

LBD04381-01-1

administrator in the event of the death or resignation of the voluntary administrator before the completion of the settlement of the estate.

§ 2. This act shall take effect on the thirtieth day after it shall have become a law.