

# STATE OF NEW YORK

4342

2023-2024 Regular Sessions

## IN SENATE

February 7, 2023

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] an incompetent person or the conservator of the property  
13 of a conservatee who is a distributee, the fiduciary of a deceased  
14 distributee, or to a competent adult who is not a distributee upon the  
15 filed consents of all competent adult distributees, and if none of the  
16 foregoing named persons will act or if there are no known distributees  
17 within the categories listed above, then to the chief fiscal officer of  
18 the county except in those counties in which a public administrator has  
19 been 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.

LBD05481-01-3

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.