

# STATE OF NEW YORK

473

2023-2024 Regular Sessions

## IN SENATE

January 4, 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 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 2102 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

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

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- 1 refusal and shall explain in writing on the paper the reason for the
- 2 refusal.
- 3 (d) Any ex parte application requesting an order of the surrogate
- 4 shall be entertained or passed upon within two days of its filing.
- 5 § 2. This act shall take effect immediately.