STATE OF NEW YORK

9380

2025-2026 Regular Sessions

IN ASSEMBLY

December 19, 2025

Introduced by M. of A. EACHUS -- read once and referred to the Committee on Judiciary

AN ACT to amend the mental hygiene law, in relation to compensation of individuals appointed by the court as court evaluators in guardianship matters

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

Section 1. Paragraph (f) of section 81.09 of the mental hygiene law, as amended by chapter 438 of the laws of 2004, is amended to read as follows:

(f) [~~When judgment grants a petition, the~~] The court may award a reasonable compensation to a court evaluator, including the mental hygiene legal service, payable by any or all of the petitioner, the person alleged to be incapacitated or the estate of the allegedly incapacitated person[~~. When a judgment denies or dismisses a petition, the court may award a reasonable allowance to a court evaluator, including the mental hygiene legal service, payable by the petitioner or by the person alleged to be incapacitated, or both~~], in such proportions as the court may deem just. When the person alleged to be incapacitated dies before the determination is made in the proceeding, the court may award a reasonable allowance to a court evaluator, payable by the petitioner or by the estate of the decedent, or by both in such proportions as the court may deem just.

§ 2. This act shall take effect immediately.

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

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