

STATE OF NEW YORK

5285

2025-2026 Regular Sessions

IN SENATE

February 20, 2025

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
10 or uncle] sibling, child of a sibling or sibling of a parent of the
11 decedent, or if there be no such person who will act, then to the guard-
12 ian of the property of an infant, the committee of the property of [~~any~~
13 an incompetent person or the conservator of the property of a conserva-
14 tee who is a distributee, the fiduciary of a deceased distributee, or to
15 a competent adult who is not a distributee upon the filed consents of
16 all competent adult distributees, and if none of the foregoing named
17 persons will act or if there are no known distributees within the cate-
18 gories listed above, then to the chief fiscal officer of the county
19 except in those counties in which a public administrator has been
20 appointed under articles eleven and twelve of this act. [~~After the~~
21 ~~surviving spouse, the first distributee within the class of persons~~
22 ~~entitled or if no distributee will act or there are no known distribu-~~
23 ~~tees within the class of persons entitled, then the chief fiscal officer~~
24 ~~of the county as above who makes and files the required affidavit,~~] Upon
25 filing the required affidavit, the person having the right to act is

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

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