

STATE OF NEW YORK

8086

2025-2026 Regular Sessions

IN SENATE

May 15, 2025

Introduced by Sen. PERSAUD -- read twice and ordered printed, and when printed to be committed to the Committee on Mental Health

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:

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

4 (f) [~~When judgment grants a petition, the~~] The court may award a
5 reasonable compensation to a court evaluator, including the mental
6 hygiene legal service, payable by any or all of the petitioner, the
7 person alleged to be incapacitated or the estate of the allegedly inca-
8 pacitated person[~~. When a judgment denies or dismisses a petition, the~~
9 ~~court may award a reasonable allowance to a court evaluator, including~~
10 ~~the mental hygiene legal service, payable by the petitioner or by the~~
11 ~~person alleged to be incapacitated, or both~~], in such proportions as the
12 court may deem just. When the person alleged to be incapacitated dies
13 before the determination is made in the proceeding, the court may award
14 a reasonable allowance to a court evaluator, payable by the petitioner
15 or by the estate of the decedent, or by both in such proportions as the
16 court may deem just.

17 § 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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