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'Falk's Law' to Strengthen Requirements for Guardians

— Joel Stashenko, New York Law Journal

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New obligations have been added to the responsibilities of people appointed in New York as the legal guardians of others due to their incapacitation.

Guardians will now be required to notify people designated in an "order of appointment" of the incapacitated person's transfer to a medical facility, their deaths, their funeral arrangements and their final resting places or the intended disposition of their remains, under a new law signed by Gov. Andrew Cuomo.

The sponsors of the legislation, [A3461/S5154](#), dubbed it "Peter Falk's Law" and said it was designed to prevent situations such as those experienced by relatives of the late "Columbo" actor.

A daughter of Falk's from his first marriage contacted Assemblyman William Magnarelli, D-Syracuse, complaining that she and her siblings were unfairly blocked by Falk's second wife from visiting their terminally ill father and were not told about his medical condition in the years leading to his 2011 death.

Magnarelli and state Sen. John DeFrancisco, R-Syracuse, subsequently introduced the bill, which Cuomo signed Thursday.

Falk had a graduate degree from Syracuse University.

Lucian Chalfen, a spokesman for the state Office of Court Administration, said it makes sense that guardians be obligated to provide the information.

"This new law will be an additional, albeit important, step in the process to insure all family members are involved in the guardianship process," he said.

The measure takes effect immediately.

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