



VOLS Guide to Voluntary Administration

法律服務志願者組織提供的遺產自願管理指南

What is voluntary administration?

什麼是誌願管理？

An estate is eligible for voluntary administration when someone (called a decedent) passes away leaving less than \$50,000 in personal property and no real property (house, condo, plot of land etc.). This is considered a small estate, and voluntary administration is the court proceeding used to obtain access to and distribute the property. The person seeking such access, if granted it, will be called the voluntary administrator. Voluntary administration is a tool that is used when tasks involving the decedent's property need to be completed, such as collecting an asset or identifying the decedent's property (for example, collecting money from a bank account or obtaining information on a pension plan). The voluntary administrator will complete such tasks. Voluntary administration can be done regardless of whether the decedent left a Last Will and Testament.

如果某人（亦稱作死者）去世後留下少於五萬美金的個人財產並且沒有不動產（如房屋，公寓，土地等），遺產就可以被自願管理。這被稱為小額遺產，且自願管理是一個進行財產管理和分配的法院程序。申請並獲得批准可以管理遺產的人被稱作自願遺產管理人。自願管理是一個處置死者財產的工具，比如收集財產或者辨認死者的財產（例如，從銀行賬戶取錢或者獲得退休金信息）。自願管理人會完成這些任務。無論死者是否留下臨終遺囑和遺書，其財產都可以被自願管理。

In calculating the value of a decedent's estate, assets with living beneficiaries (e.g., retirement accounts with living beneficiaries) and assets which are jointly owned (e.g.,

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joint bank accounts or property with more than one person on the deed) are disregarded.

在計算死者遺產的價值時，將會排除在世受益人的財產（比如擁有活著的受益人的退休賬戶）和共同擁有的財產（比如聯名銀行賬戶或列有超過一個所有者的地契）。

Who can apply to be a voluntary administrator?

誰可以申請成為一名遺產管理人？

If the decedent left a Last Will and Testament, the executor (the person named, whose job is to distribute the estate) can apply to be the voluntary administrator. If the executor is unable to do so and an alternate executor is named, then the alternate executor can apply. If there is no executor or alternate executor who can apply, then the next person who can apply is the sole beneficiary named in the Last Will and Testament, followed by any beneficiary, then the closest distributee (heir) to the decedent (spouse, followed by adult children, then adult grandchildren of predeceased children, parents, adult siblings, nieces/nephews, aunts/uncles). If the closest distributee is a minor child, they will be unable to apply, and the next closest distributee should be looked to. If the decedent did not leave a Last Will and Testament, then the court looks to the above-noted distributees.

如果死者留下了臨終遺囑和遺書，執行人（即被指定分配遺產的人）可以申請成為自願管理人。如果執行人不能履行職責且指定了一名代執行人，那麼代執行人可以申請成為自願管理人。如果沒有執行人或代執行人可以申請，那麼接下來可以申請成為自願管理人的依次是在臨終遺囑和遺書中指定的唯一受益人、任何受益人和與死者最親近的分配遺產受益人（繼承人）（依次為配偶、成年子女、在死者去世前去世的子女的成年子女、父母、成年兄弟姐妹、侄子或侄女，以及舅媽或叔叔）。如果最親近的分配遺產受益人是未成年子女，他們不能申請成為自願管理人，只能由下一順位的繼承人申請成為自願管理人。如果死者沒有留下任何臨終遺囑和遺書，那麼法院將會看向上述提及的分配遺產受益人。

What steps should I take to get the process started?

我需要採取哪些步驟開始流程？

In order to be named a volunteer administrator you will need to file for voluntary administration. The following is needed to file for voluntary administration: Affidavit in

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Relation to Settlement of Small Estate, original death certificate, \$1 filing fee (payable by cash or money order), copy of the funeral bill (if there is one), and the original and one copy of the Last Will and Testament (if there is one). A Family Tree Affidavit (filled out by a party with no financial interest in the proceeding) is needed if the person filing is the sole distributee or is the aunt/uncle of the decedent, or is the child of a deceased man who was never married.

在成為一名自願管理人之前，你需要提交自願管理申請文件。申請需要的文件包括：小額遺產和解宣誓書、死亡證明原件、1 美金的申請費（可以現金或匯票支付）、葬禮賬單（如果適用）、以及臨終遺囑和遺書的原件及復印件一份（如果適用）。如果申請者是唯一的分配遺產受益人，或死者的舅媽或者舅舅，或未婚死者的子女，那麼還需要提供一份族譜宣誓書（由在該程序中沒有經濟利益的一方填寫）。

To make the court papers, the Surrogate's Court (the court which deals with estates) has a Small Estate DIY (Do-It-Yourself) Form program [located on their website](http://nycourts.gov/courthelp/DIY/smallEstate.shtml) (nycourts.gov/courthelp/DIY/smallEstate.shtml). This program walks you step-by-step to complete the paperwork. When you complete the program, you receive a PDF of the court forms as well as instructions of what to do next. Volunteers of Legal Service can also help qualifying clients complete the paperwork. You can contact us at 347-521-5704.

在遺產檢驗法院（即處理遺產的法院）的網站上（nycourts.gov/courthelp/DIY/smallEstate.shtml），有一個小額遺產表格自助填寫程序。這個程序可以指導你按照步驟完成書面材料。當你完成了所有步驟之後，你會收到一份 PDF 格式的法院表格，以及下一步的指導。法律服務誌願者組織可以幫助符合條件的客戶完成書面材料。你可以通過撥打 347-521-5704 聯繫我們。

Where should I file the paperwork?

我應該向哪裏遞交材料？

The paperwork is filed in the Surrogate's Court of the county in which the decedent was domiciled. Below is the information for the Small Estates departments of the Surrogate's Courts of NYC:

書面材料應該提交給死者生前居住地轄區內的遺囑檢驗法院。以下是紐約遺囑檢驗法院小額遺產部門的信息：

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New York County

Phone: 646-386-5005

Email: administration_general@nycourts.gov

Address: 31 Chambers St., New York, NY 10007

紐約郡

電話: 646-386-5005

郵箱: administration_general@nycourts.gov

地址: 31 Chambers St., New York, NY 10007

Kings County

Phone: 347-404-9690

Email: KingSurr-Admin@nycourts.gov

Address: 2 Johnson St., Brooklyn, NY 11201

國王县

電話: 347-404-9690

郵箱: KingSurr-Admin@nycourts.gov

地址: 2 Johnson St., Brooklyn, NY 11201

Queens County

Clerk's Office phone: 718-298-0500

Email: qnssurr-admin@nycourts.gov

Address: 88-11 Sutphin Blvd., Jamaica, NY 11435

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郡書記辦公室（Clerk's Office）電話：718-298-0500

郵箱：qnssurr-admin@nycourts.gov

地址：88-11 Sutphin Blvd., Jamaica, NY 11435

Bronx County

Phone: 718-618-2309

Address: 851 Grand Concourse, Bronx, NY 10451

布朗克斯郡

電話：718-618-2309

地址：851 Grand Concourse, Bronx, NY 10451

Richmond County

Help center phone: 718-675-8508

Help center email: richsurrhelpctr@nycourts.gov

Address: 18 Richmond Terrace, Staten Island, NY 10301

裏奇蒙郡

幫助中心電話：718-675-8508

幫助中心郵箱：richsurrhelpctr@nycourts.gov

地址：18 Richmond Terrace, Staten Island, NY 10301

After submission of the necessary paperwork to the Surrogate's Court, the Judge will decide whether you qualify to be the voluntary administrator. Assuming you do, the Surrogate's Court will issue Certificates of Voluntary Administration (either by mail or by pick-up at the court), and you will become the voluntary administrator of the

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decedent's estate. The voluntary administrator receives one Certificate of Voluntary Administration for each item listed in the submitted paperwork, which they then present to the proper entity to complete a task that needs to be completed. It is the voluntary administrator's job to obtain the decedent's property, pay any debts or expenses, and distribute what is left to the beneficiaries of the Last Will and Testament or the decedent's heirs.

在向遺囑檢驗法院提交了必要的書面文件之後，法官將會決定你是否有資格成為一名自願管理人。假設你可以成為自願管理人，遺囑檢驗法院將會發放《自願管理證書》（通過郵件發送或在法院自取），然後你將可以成為死者財產的自願管理人。自願管理人收到的《自願管理證書》中會列舉已經提交的書面文件中的每一項。然後，自願管理人會將這個《自願管理證書》呈遞給有關部門用於完成應該完成的管理任務。自願管理人的工作是用死者的財產支付任何負債或費用，並且將剩余的財產發放給臨終遺囑和遺書中的受益人或是死者的繼承人。

Upon completion of these duties, the voluntary administrator lastly needs to close out the estate. They do so by filing a Report and Account in Settlement of Estate with the Surrogate's Court, along with receipts or canceled checks showing the payment of expenses of administration, disbursements, or distributions.

在完成了這些任務後，自願管理人最終需要結清這些遺產。他們可以通過向遺囑檢驗法院提交遺產結算報告和賬戶，連同可以證明已經繳納了相關管理費用、支出或分配的收據或已取消的支票來結清。

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