



VOLS Guide to Voluntary Administration

法律服务志愿者组织提供的遗产自愿管理指南

What is voluntary administration?

什么是自愿管理？

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（即“逝者”）去世后留下少于五万美金的个人财产并且没有不动产（如房屋，公寓，土地等），遗产就可以被自愿管理。这被称为小额遗产，且自愿管理是一个进行财产管理和分配的法院程序。申请并获得批准可以管理遗产的人被称作自愿遗产管理人。自愿管理是一个处置财产的工具，比如收集财产或者辨认逝者的财产（例如，从银行账户取钱或者获得退休金信息）。自愿管理人会完成这些任务。无论逝者是否留下临终遗嘱和遗书（即“遗嘱”），其财产都可以被自愿管理。

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.

在计算逝者遗产的价值时，将会排除在世受益人的财产（比如拥有活着的受益人的退休账户）和共同拥有的财产（比如联名银行账户或列有超过一个所有者的地契）。

Who can apply to be a voluntary administrator?

谁可以申请成为一名遗产管理人？

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.

如果逝者留下了遗嘱，遗嘱的执行人（即被指定分配遗产的人）可以申请成为自愿管理人。如果执行人不能履行职责且指定了一名代执行人，那么代执行人可以申请成为自愿管理人。如果没有执行人或代执行人可以申请，那么接下来可以申请成为自愿管理人的依次顺序是在遗嘱中指定的唯一受益人、任何受益人和与逝者最亲近的分配遗产受益人（继承人）（依次为配偶、成年子女、在逝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，以及舅妈或叔叔）。如果最亲近的分配遗产受益人是未成年子女，他们不能申请成为自愿管理人，只能由下一顺位的继承人申请成为自愿管理人。如果逝者没有留下任何临终遗嘱和遗书，那么法院将会看向上述提及的分配遗产受益人。

What steps should I take to get the process started?

我需要采取哪些步骤开始流程？

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.

在成为一名自愿管理人之前，你需要提交自愿管理申请文件。申请需要的文件包括：小额遗产和解宣誓书、死亡证明原件、1 美金的申请费（可以现金或汇票支付）、葬礼账单（如果适用）、以及遗嘱的原件及复印件一份（如果适用）。如果申请者是唯一的分配遗产受益人，或逝者的舅妈或者舅舅，或未婚逝者的子女，那么还需要提供一份族谱宣誓书（由在该程序中没有经济利益的一方填写）。

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.

在遗产代理法院（即处理遗产的法院）的网站上（nycourts.gov/courthelp/DIY/smallEstate.shtml），有一个小额遗产表格自助填写程序。这个程序可以指导你按照步骤完成书面材料。当你完成了所有步骤之后，你会收到一份 PDF 格式的法院表格，以及下一步的指导。法律服务志愿者组织可以帮助符合条件的客户完成书面材料。你可以通过拨打 347-521-5704 联系我们。

Where should I file the paperwork?

我应该向哪里递交材料？

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:

书面材料应该提交给逝者生前居住地辖区内的遗产代理法院。以下是纽约遗产代理法院小额遗产部门的信息：

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New York County

Phone: 646-386-5005

Email: administration_general@nycourts.gov

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

[曼哈顿区](#)

电话: [646-386-5005](tel:646-386-5005)

邮箱: 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

[国王区（布鲁克林）](#)

电话: [347-404-9690](tel:347-404-9690)

邮箱: 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

[皇后区](#)

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郡书记办公室（Clerk's Office）电话：718-298-0500

邮箱：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

布朗克斯区

电话：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

史丹顿岛

帮助中心电话：718-675-8508

帮助中心邮箱：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.

在向遗产代理法院提交了必要的书面文件之后，法官将会决定你是否有资格成为一名自愿管理人。假设你可以成为自愿管理人，遗嘱检验法院将会发放《自愿管理证书》（通过邮件发送或在法院自取），然后你将可以成为使者财产的自愿管理人。自愿管理人收到的《自愿管理证书》中会列举已经提交的书面文件中的每一项。然后，自愿管理人会将这个《自愿管理证书》呈递给有关部门用于完成应该完成的管理任务。自愿管理人的工作是用逝者的财产支付任何负债或费用，并且将剩余的财产发放给临终遗嘱和遗书中的受益人或是逝者的继承人。

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.

在完成了这些任务后，自愿管理人最终需要结清这些遗产。他们可以通过向遗产代理法院提交遗产结算报告和账户，连同可以证明已经缴纳了相关管理费用、支出或分配的收据或已取消的支票来结清。

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