

4090

2011-2012 Regular Sessions

I N S E N A T E

March 17, 2011

Introduced by Sen. SAVINO -- (at request of the Office of Court Administration) -- read twice and ordered printed, and when printed to be committed to the Committee on Children and Families

AN ACT to amend the domestic relations law and the family court act, in relation to the authority of the court to direct establishment of a trust or other designated account for the benefit of children in matrimonial, child support and paternity cases

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Paragraph (c) of subdivision 1-b of section 240 of the
2 domestic relations law is amended by adding a new subparagraph 8 to read
3 as follows:
4 (8) IN ADDITION TO THE BASIC CHILD SUPPORT OBLIGATION ORDERED UNDER
5 THIS SUBDIVISION, THE COURT MAY, IN ITS DISCRETION, ORDER THE RESPONDENT
6 TO PAY AN AMOUNT TO ESTABLISH A SECURITY ACCOUNT DESIGNATED FOR THE
7 BENEFIT OF THE CHILD, INCLUDING, BUT NOT LIMITED TO, A TRUST ACCOUNT OR
8 ANNUITY TO MEET THE CHILD'S FUTURE NEEDS. THE COURT MAY DIRECT THE
9 ESTABLISHMENT OF SUCH AN ACCOUNT UNDER SUCH TERMS AND CONDITIONS AS IT
10 DEEMS APPROPRIATE. THE COURT SHALL SET FORTH, AS APPLICABLE: THE SPECIFIC
11 PURPOSES OF THE ACCOUNT; THE PERSON OR ENTITY THAT WILL ACT AS TRUSTEE,
12 CUSTODIAN OR ADMINISTRATOR OF THE FUNDS IN THE ACCOUNT; THE PERSON
13 OR ENTITY THAT WILL ACT AS THE TRUSTEE, CUSTODIAN OR ADMINISTRATOR OF
14 THE FUNDS IN THE ACCOUNT IN THE EVENT OF THE DEATH OF THE DESIGNATED
15 TRUSTEE, CUSTODIAN OR ADMINISTRATOR; THE DISPOSITION OF THE FUNDS AFTER
16 THE EMANCIPATION OR DEATH OF THE CHILD OR CHILDREN NAMED AS BENEFICI-
17 ARIES; THE PARTICULAR STRUCTURE THAT WILL FULFILL THE PURPOSES OF THE
18 ACCOUNT; AND ANY FURTHER PROVISIONS NECESSARY TO ACCOMPLISH THE PURPOSE
19 OF THE ACCOUNT. THE ESTABLISHMENT OF SUCH AN ACCOUNT SHALL NOT DIMINISH
20 ANY CURRENT CHILD SUPPORT OBLIGATIONS.
21 S 2. Paragraph (c) of subdivision 1 of section 413 of the family court
22 act is amended by adding a new subparagraph 8 to read as follows:

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

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1 (8) IN ADDITION TO THE BASIC CHILD SUPPORT OBLIGATION ORDERED UNDER
2 THIS SUBDIVISION, THE COURT MAY, IN ITS DISCRETION, ORDER THE NON-CUSTO-
3 DIAL PARENT TO PAY AN AMOUNT TO ESTABLISH A SECURITY ACCOUNT DESIGNATED
4 FOR THE BENEFIT OF THE CHILD, INCLUDING, BUT NOT LIMITED TO, A TRUST
5 ACCOUNT OR ANNUITY TO MEET THE CHILD'S FUTURE NEEDS. THE COURT MAY
6 DIRECT THE ESTABLISHMENT OF AN ACCOUNT UNDER SUCH TERMS AND CONDITIONS
7 AS IT DEEMS APPROPRIATE. THE COURT SHALL SET FORTH, AS APPLICABLE: THE
8 SPECIFIC PURPOSES OF THE ACCOUNT; THE PERSON OR ENTITY THAT WILL ACT AS
9 TRUSTEE, CUSTODIAN OR ADMINISTRATOR OF THE FUNDS IN THE ACCOUNT; THE
10 PERSON OR ENTITY THAT WILL ACT AS THE TRUSTEE, CUSTODIAN OR ADMINISTRA-
11 TOR OF THE FUNDS IN THE ACCOUNT IN THE EVENT OF THE DEATH OF THE DESIG-
12 NATED TRUSTEE, CUSTODIAN OR ADMINISTRATOR; THE DISPOSITION OF THE FUNDS
13 AFTER THE EMANCIPATION OR DEATH OF THE CHILD OR CHILDREN NAMED AS BENE-
14 FICIARIES; THE PARTICULAR STRUCTURE THAT WILL FULFILL THE PURPOSES OF
15 THE ACCOUNT; AND ANY FURTHER PROVISIONS NECESSARY TO ACCOMPLISH THE
16 PURPOSE OF THE ACCOUNT. THE ESTABLISHMENT OF SUCH AN ACCOUNT SHALL NOT
17 DIMINISH ANY CURRENT CHILD SUPPORT OBLIGATIONS.
18 S 3. This act shall take effect immediately.