

4091

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 Judiciary

AN ACT to amend the family court act and the social services law, in relation to orders for child support obligors to seek employment or participate in job training, employment counseling or other available programs designed to lead to employment

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

1 Section 1. Section 437-a of the family court act, as added by chapter
2 182 of the laws of 2010, is amended to read as follows:
3 S 437-a. Referral to work programs. In any proceeding to establish,
4 MODIFY OR ENFORCE an order of support, if the [respondent] SUPPORT OBLI-
5 GOR is unemployed OR UNDER-EMPLOYED, the court may require the [respond-
6 ent] SUPPORT OBLIGOR to seek employment, or to participate in job train-
7 ing, employment counseling or other programs designed to lead to
8 employment provided such programs are available. The court shall not
9 require the [respondent] SUPPORT OBLIGOR to seek employment or to
10 participate in job training, employment counseling, or other programs
11 designed to lead to employment under this section if the [respondent]
12 SUPPORT OBLIGOR is in receipt of supplemental security income or social
13 security disability benefits.
14 S 2. Paragraph (h) of subdivision 2 of section 454 of the family court
15 act, as added by chapter 214 of the laws of 1998, is amended to read as
16 follows:
17 (h) the court may require the respondent[, if the persons for whom the
18 respondent has failed to pay support are applicants for or recipients of
19 public assistance, to participate in work activities as defined in title
20 nine-B of article five of the social services law] IN ACCORDANCE WITH
21 SECTION FOUR HUNDRED THIRTY-SEVEN-A OF THIS ARTICLE, TO SEEK EMPLOYMENT,
22 OR TO PARTICIPATE IN JOB TRAINING, EMPLOYMENT COUNSELING OR OTHER

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

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1 PROGRAMS DESIGNED TO LEAD TO EMPLOYMENT PROVIDED SUCH PROGRAMS ARE
2 AVAILABLE. Those respondents ordered to SEEK EMPLOYMENT OR participate
3 in work activities PURSUANT TO THIS PARAGRAPH need not be applicants for
4 or recipients of public assistance, BUT MAY NOT BE RECEIVING SUPPLE-
5 MENTAL SECURITY INCOME OR SOCIAL SECURITY DISABILITY BENEFITS.

6 S 3. Subdivision 20 of section 111-h of the social services law, as
7 added by chapter 182 of the laws of 2010, is amended to read as follows:

8 20. If the [respondent] SUPPORT OBLIGOR is required to participate in
9 work programs pursuant to section four hundred thirty-seven-a of the
10 family court act, and the court enters an order of support on behalf of
11 the persons in receipt of public assistance, the support collection unit
12 shall not file a petition to increase the support obligation for twelve
13 months from the date of entry of the order of support if the [respond-
14 ent's] SUPPORT OBLIGOR'S income is derived from participation in such
15 programs.

16 S 4. This act shall take effect on the ninetieth day after it shall
17 have become a law.