S T A T E O F N E W Y O R K

4446--A

2013-2014 Regular Sessions

I N S E N A T E

April 1, 2013

Introduced by Sen. GOLDEN -- read twice and ordered printed, and when printed to be committed to the Committee on Children and Families -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the executive law, in relation to directing the office of temporary and disability assistance to prepare a report concerning low income custodial parents' requirement to show good cause for a refusal to seek child support as a requirement for receiving family assistance; and providing for the repeal of such provisions upon expiration thereof

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

Section 1. Legislative findings. The legislature hereby finds that certain parties allege that the office of temporary and disability assistance's regulations and directives requiring low income custodial parents to actively seek child support from non-custodial parents or show good cause as to why he or she cannot seek child support, as a condition of eligibility for family assistance, constitute such an extreme disincentive to many individuals in need of such assistance and as such they fail to pursue needed assistance. The legislature finds that this is a serious allegation, and declares its intent to obtain information as speedily as possible from the state agencies involved in order to take appropriate action.

S 2. The executive law is amended by adding a new section 501-i to read as follows:

S 501-I. REPORT CONCERNING FAMILY ASSISTANCE AND GOOD CAUSE FOR FAILURE TO SEEK CHILD SUPPORT. 1. THE OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE, SHALL SUBMIT A REPORT TO THE TEMPORARY PRESIDENT OF THE SENATE, THE SPEAKER OF THE ASSEMBLY, THE CHAIRS OF THE SENATE COMMITTEES ON SOCIAL SERVICES, AND CHILDREN AND FAMILIES AND THE CHAIR OF THE ASSEMBLY COMMITTEE ON CHILDREN AND FAMILIES CONCERNING INFORMATION

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

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RELATED TO GOOD CAUSE FOR REFUSAL TO COOPERATE WITH THE REQUIREMENTS OF PARAGRAPH (II) OF SUBDIVISION SIX OF SECTION ONE HUNDRED FIFTY-EIGHT OF THE SOCIAL SERVICES LAW AND THE REGULATIONS PROMULGATED THEREUNDER, IN CONNECTION WITH APPLICATIONS FOR FAMILY SUPPORT PURSUANT TO TITLE TEN OF ARTICLE FIVE OF THE SOCIAL SERVICES LAW. SUCH REPORT SHALL BE SUBMITTED AS SOON AS POSSIBLE BUT IN ANY CASE NOT LATER THAN DECEMBER THIRTY-FIRST, TWO THOUSAND FIFTEEN. SUCH REPORT SHALL PROVIDE INFORMATION ON THE FOLLOWING FOR THE PRECEDING CALENDAR YEAR, OR FOR THE NEAREST MEASURABLE TWELVE MONTH PERIOD, INCLUDING, BUT NOT LIMITED TO:

(A) THE NUMBER OF INDIVIDUALS THAT APPEAR TO BE ELIGIBLE TO APPLY FOR FAMILY ASSISTANCE;

(B) THE NUMBER OF APPLICANTS FOR FAMILY ASSISTANCE;

(C) THE NUMBER OF DENIALS FOR FAMILY ASSISTANCE;

(D) THE NUMBER OF APPLICANTS WHO HAVE CLAIMED GOOD CAUSE FOR REFUSAL TO COOPERATE IN SEEKING A CHILD SUPPORT ORDER OR ORDERS;

(E) THE NUMBER OF APPLICANTS FOR WHOM THERE HAS BEEN A FINDING THAT GOOD CAUSE EXISTS FOR REFUSAL TO COOPERATE;

(F) THE NUMBER OF APPLICANTS FOR WHICH THERE HAS BEEN A FINDING THAT GOOD CAUSE FOR REFUSAL TO COOPERATE DOES NOT EXIST;

(G) THE NUMBER OF APPLICANTS FOR WHOM THE FINDING OF GOOD CAUSE FOR REFUSAL TO COOPERATE IS DUE TO AN INDICATION OF THE PRESENCE OF DOMESTIC VIOLENCE; AND

(H) THE NUMBER OF APPLICANTS FOR WHOM THE FINDING OF GOOD CAUSE FOR REFUSAL TO COOPERATE IS DUE TO ANOTHER REASON OTHER THAN DOMESTIC VIOLENCE, AND THOSE REASONS.

2. THE OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE SHALL DIRECT ALL COUNTIES IN THE STATE TO FORWARD TO THE OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE, WITHIN THIRTY DAYS OF THE DATE OF THE REQUEST, SUCH INFORMATION AS THE OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE DEEMS NECESSARY TO ACCOMPLISH THE DIRECTIVES OF THIS SECTION. ALL COUNTIES SO DIRECTED SHALL COMPLY WITH THE REQUEST.

S 3. This act shall take effect immediately and shall expire and be deemed repealed April 1, 2015.