

4446--B

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 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the social services 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:

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

12 S 2. The social services law is amended by adding a new section 361 to
13 read as follows:

14 S 361. REPORT CONCERNING FAMILY ASSISTANCE AND GOOD CAUSE FOR FAILURE
15 TO SEEK CHILD SUPPORT. 1. THE OFFICE OF TEMPORARY AND DISABILITY
16 ASSISTANCE, SHALL SUBMIT A REPORT TO THE TEMPORARY PRESIDENT OF THE
17 SENATE, THE SPEAKER OF THE ASSEMBLY, THE CHAIRS OF THE SENATE COMMITTEES
18 ON SOCIAL SERVICES, AND CHILDREN AND FAMILIES AND THE CHAIRS OF THE

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

LBD07252-09-3

1 ASSEMBLY COMMITTEES ON CHILDREN AND FAMILIES AND AGING CONCERNING INFOR-
2 MATION RELATED TO GOOD CAUSE FOR REFUSAL TO COOPERATE WITH THE REGU-
3 LATIONS PROMULGATED IN ACCORDANCE WITH SECTION THREE HUNDRED FIFTY-FIVE
4 OF THIS TITLE, IN CONNECTION WITH APPLICATIONS FOR FAMILY ASSISTANCE
5 REQUIRING APPLICANTS TO SEEK CHILD SUPPORT. SUCH REPORT SHALL BE
6 SUBMITTED AS SOON AS POSSIBLE BUT IN ANY CASE NOT LATER THAN DECEMBER
7 THIRTY-FIRST, TWO THOUSAND FIFTEEN. SUCH REPORT SHALL PROVIDE INFORMA-
8 TION ON THE FOLLOWING FOR THE PRECEDING CALENDAR YEAR, OR FOR THE NEAR-
9 EST MEASURABLE TWELVE MONTH PERIOD, INCLUDING, BUT NOT LIMITED TO:

10 (A) THE NUMBER OF APPLICANTS FOR FAMILY ASSISTANCE;

11 (B) THE NUMBER OF DENIALS FOR FAMILY ASSISTANCE;

12 (C) THE NUMBER OF APPLICANTS REQUIRED TO SEEK A CHILD SUPPORT ORDER;

13 (D) THE NUMBER OF APPLICANTS WITH ONE OR MORE CHILDREN FOR WHOM A
14 CHILD SUPPORT ORDER HAS BEEN ENTERED BUT HAS NOT BEEN ENFORCED BY THE
15 OFFICE;

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

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

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

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

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

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

34 S 3. This act shall take effect immediately and shall expire and be
35 deemed repealed April 1, 2016.