

STATE OF NEW YORK

5276--A

2019-2020 Regular Sessions

IN SENATE

April 23, 2019

Introduced by Sen. PERSAUD -- 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 domestic relations law and the family court act, in relation to establishing a living allowance for adults with developmental disabilities

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The domestic relations law is amended by adding a new
2 section 240-d to read as follows:

3 § 240-d. Support orders for adult dependent children. 1. Notwith-
4 standing any other law parents of an adult child of any age are chargea-
5 ble with support of such individual provided such individual is diag-
6 nosd with a developmental disability as defined under subdivision
7 twenty-two of section 1.03 of the mental hygiene law.

8 2. Upon petition brought by the parent of an adult child with a disa-
9 bility, the court shall make its award for support for an adult child
10 with a developmental disability in accordance with the provisions of
11 subdivision one-b of section two hundred forty of this article. If the
12 court awards a living allowance for an adult child with a developmental
13 disability, then on or before each and every fifth year following the
14 date that the judgment award was entered, the court shall, sua sponte,
15 set the matter down for a mandatory reassessment hearing to determine if
16 a modification of the living allowance is warranted based on a substan-
17 tial change in circumstances.

18 3. The court has jurisdiction to determine proceedings brought by
19 petition and order to show cause, for the determination of support of
20 adult dependent children, as well as to enforce or modify orders or
21 judgments.

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

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1 4. The court shall have discretion to order the payor party to make
2 support payments either directly to the New York achieving a better life
3 experience (NY ABLE) savings program trust fund or directly to a third
4 party, provided the funds are used to pay for qualified disability
5 expenses.

6 5. All orders for support for an adult child with a developmental
7 disability may include retroactive support for all adult dependent chil-
8 dren aged twenty-six or younger. Any retroactive amount of support due
9 shall be support arrears/past due support and shall be paid pursuant to
10 the provisions of paragraph (j) of subdivision one of section two
11 hundred forty of this article.

12 6. Except where inconsistent with this section, all provisions of this
13 article relating to orders of child support shall apply to all orders of
14 support for adult children with developmental disabilities.

15 § 2. The family court act is amended by adding a new section 413-b to
16 read as follows:

17 § 413-b. Support orders for adult dependent children. 1. Notwith-
18 standing any other law, parents of an adult child of any age are charge-
19 able with support of such individual provided such individual is diag-
20 nosd with a developmental disability as defined under subdivision
21 twenty-two of section 1.03 of the mental hygiene law.

22 2. Upon petition brought by the parent of an adult child with a disa-
23 bility, the court shall make its award for support for an adult child
24 with a developmental disability in accordance with the provisions of
25 subdivision one of section four hundred thirteen of this part. If the
26 court awards a living allowance for an adult child with a developmental
27 disability, then on or before each and every fifth year following the
28 date that the judgment award was entered, the court shall, sua sponte,
29 set the matter down for a mandatory reassessment hearing to determine if
30 a modification of the living allowance is warranted based on a substan-
31 tial change in circumstances.

32 3. The court has jurisdiction to determine proceedings brought by
33 petition and order to show cause, for the determination of support of
34 adult dependent children, as well as to enforce or modify orders or
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38 experience (NY ABLE) savings program trust fund or directly to a third
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41 5. All orders for support for an adult child with a developmental
42 disability shall include retroactive support for all adult dependent
43 children aged twenty-six or younger. Any retroactive amount of support
44 due shall be support arrears/past due support and shall be paid pursuant
45 to the provisions of subdivision one of section four hundred forty of
46 this article.

47 6. Except where inconsistent with this section, all provisions of this
48 article relating to orders of child support shall apply to all orders of
49 support for adult children with developmental disabilities.

50 § 3. This act shall take effect immediately.