

STATE OF NEW YORK

2427

2021-2022 Regular Sessions

IN ASSEMBLY

January 19, 2021

Introduced by M. of A. SMULLEN -- read once and referred to the Committee on Judiciary

AN ACT to amend the domestic relations law, in relation to requiring parents to provide certain information as part of custody and support agreements

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

1 Section 1. Subdivision 4 of part B of section 236 of the domestic
2 relations law, as separately amended by chapters 884 and 892 of the laws
3 of 1986, paragraph a as amended by chapter 214 of the laws of 1998, is
4 amended to read as follows:

5 4. Compulsory financial disclosure. a. In all matrimonial actions and
6 proceedings in which alimony, maintenance or support is in issue, there
7 shall be compulsory disclosure by both parties of their respective
8 financial states. No showing of special circumstances shall be required
9 before such disclosure is ordered. A sworn statement of net worth shall
10 be provided upon receipt of a notice in writing demanding the same,
11 within twenty days after the receipt thereof. In the event said state-
12 ment is not demanded, it shall be filed with the clerk of the court by
13 each party, within ten days after joinder of issue, in the court in
14 which the proceeding is pending. As used in this part, the term "net
15 worth" shall mean the amount by which total assets including income
16 exceed total liabilities including fixed financial obligations. It shall
17 include all income and assets of whatsoever kind and nature and wherever
18 situated and shall include a list of all assets transferred in any
19 manner during the preceding three years, or the length of the marriage,
20 whichever is shorter; provided, however that transfers in the routine
21 course of business which resulted in an exchange of assets of substan-
22 tially equivalent value need not be specifically disclosed where such
23 assets are otherwise identified in the statement of net worth. All such
24 sworn statements of net worth shall be accompanied by a current and

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

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1 representative paycheck stub and the most recently filed state and
2 federal income tax returns including a copy of the W-2(s) wage and tax
3 statement(s) submitted with the returns. In addition, both parties shall
4 provide information relating to any and all group health plans available
5 to them for the provision of care or other medical benefits by insurance
6 or otherwise for the benefit of the child or children for whom support
7 is sought, including all such information as may be required to be
8 included in a qualified medical child support order as defined in
9 section six hundred nine of the employee retirement income security act
10 of 1974 (29 USC 1169) including, but not limited to: (i) the name and
11 last known mailing address of each party and of each dependent to be
12 covered by the order; (ii) the identification and a description of each
13 group health plan available for the benefit or coverage of the disclos-
14 ing party and the child or children for whom support is sought; (iii) a
15 detailed description of the type of coverage available from each group
16 health plan for the potential benefit of each such dependent; (iv) the
17 identification of the plan administrator for each such group health plan
18 and the address of such administrator; (v) the identification numbers
19 for each such group health plan; and (vi) such other information as may
20 be required by the court. Noncompliance shall be punishable by any or
21 all of the penalties prescribed in section thirty-one hundred twenty-six
22 of the civil practice law and rules, in examination before or during
23 trial. Financial information required to be disclosed pursuant to this
24 subdivision shall be made available to any child for whom support is
25 being paid by either parent, for the purpose of permitting such child to
26 file for student financial aid for attendance at a post-secondary educa-
27 tional institution. Both parents shall be required to provide any
28 required financial information and to complete any forms necessary for
29 the child to apply for financial assistance for such purpose. The
30 provisions of this paragraph shall not impose a requirement that either
31 of both parents contribute to the costs of post secondary education
32 except as otherwise provided in a custody or support agreement executed
33 or ordered under the provisions of this chapter.

34 b. As soon as practicable after a matrimonial action has been
35 commenced, the court shall set the date or dates the parties shall use
36 for the valuation of each asset. The valuation date or dates may be
37 anytime from the date of commencement of the action to the date of
38 trial.

39 § 2. This act shall take effect immediately.