

STATE OF NEW YORK

1036

2025-2026 Regular Sessions

IN ASSEMBLY

January 8, 2025

Introduced by M. of A. KIM, WILLIAMS, BENDETT, HEVESI, SIMONE, STECK --
Multi-Sponsored by -- M. of A. K. BROWN -- read once and referred to
the Committee on Judiciary

AN ACT to amend the family court act, in relation to referrals for child
support enforcement for foster care maintenance payments

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

1 Section 1. Subdivision 2 of section 413 of the family court act, as
2 added by chapter 745 of the laws of 1984, is amended to read as follows:

3 2. (a) Nothing in this article shall impose any liability upon a
4 person to support the adopted child of ~~[his or her]~~ such person's
5 spouse, if such child was adopted after the adopting spouse is living
6 separate and apart from the non-adopting spouse pursuant to a legally
7 recognizable separation agreement or decree under the domestic relations
8 law. Such liability shall not be imposed for so long as the spouses
9 remain separate and apart after the adoption.

10 (b) Nothing in this article shall impose any liability upon a person
11 to support a child who is placed in foster care pursuant to an order
12 issued by a court of competent jurisdiction, pursuant to any application
13 for support under this article except where a court has found a child
14 was subjected to aggravated circumstances as defined in subdivision (j)
15 of section one thousand twelve of this chapter.

16 (c) Notwithstanding paragraph (b) of this subdivision, such liability
17 shall not be imposed if it will adversely affect the health, safety or
18 welfare of the child on whose behalf such payments are to be made or
19 other persons in the child's household or will adversely affect the
20 length of the child's placement or impair the ability of the child to
21 return home when discharged from foster care.

22 (d) No county or local social services district shall cause a referral
23 to be sent for the purpose of commencing collection of child support for
24 a child placed in foster care unless such county or district has reason

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

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1 to believe liability may be imposed under paragraph (b) of this subdivi-
2 sion.
3 § 2. This act shall take effect on the ninetieth day after it shall
4 have become a law. Effective immediately, the addition, amendment and/or
5 repeal of any rule or regulation necessary for the implementation of
6 this act on its effective date are authorized to be made and completed
7 on or before such effective date.