

STATE OF NEW YORK

10769

IN ASSEMBLY

April 1, 2026

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

AN ACT to amend the estates, powers and trusts law and the labor law, in relation to child performer protections

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

Section 1. Section 7-7.1 of the estates, powers and trusts law, as added by chapter 630 of the laws of 2003, is amended to read as follows:

§ 7-7.1 Child performer trust account

1. Scope. This section applies to contracts pursuant to which a child performer:

(a) is employed or agrees to render artistic or creative services for a fee, either directly or through a third-party individual or personal services corporation (loan-out company), or through an agency or service that provides artistic or creative services (casting agency); and

(b) agrees to purchase, or otherwise secure, sell, lease, or otherwise dispose of literary, musical, or dramatic properties, or use of a person's likeness, voice recording, performance, or story of or incidents in ~~his or her~~ their life, either tangible or intangible, or any other rights therein for use in motion pictures, television, the production of sound recordings in any format now known or hereafter devised, the legitimate or living stage, or otherwise in the entertainment field.

2. Establishment of child performer trust account. (a) Employer. Within thirty days following the final day of employment, except when the performance contract is a period longer than thirty days, a child performer's employer is required to transfer ~~[fifteen percent]~~ a percentage of the child performer's gross earnings ~~[to]~~ in accordance with the ~~[custodian of the child performer's child performer trust account]~~ following tiered structure:

(i) twenty percent of gross earnings up to and including one hundred thousand dollars;

(ii) twenty-five percent of gross earnings between one hundred thousand one dollars and two hundred fifty thousand dollars; and

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

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1 (iii) thirty percent of gross earnings exceeding two hundred fifty
2 thousand one dollars.

3 (b) In any calendar year in which a child performer's gross earnings
4 subject to this section exceeds two hundred fifty thousand one dollars,
5 the custodian shall prepare a written accounting of the child performer
6 trust account, which shall include the child performer's gross earnings
7 from employment subject to this section, any expenses deducted from such
8 earnings, deposits made pursuant to this section, and the balance of the
9 trust account, and shall file such accounting documentation with a court
10 of competent jurisdiction for the purpose of creating a record of the
11 administration of the child performer trust account. A copy of such
12 accounting shall be provided to the child performer's parent or legal
13 guardian and shall be made available to the department of labor upon
14 request. When the employment is longer than thirty days, the employer
15 shall make the required transfer every payroll period. Transfers must
16 conform with part six of this article. The use of an instrument to make
17 the transfer which substantially conforms with section 7-6.9 is suffi-
18 cient. If the child performer's employer has not been notified within
19 fifteen days of the commencement of employment of the existence of a
20 child performer trust account, or no such account has been established,
21 then the child performer's employer shall transfer such monies together
22 with the child performer's name and last known address to the state
23 comptroller for placement into the child performer's holding fund estab-
24 lished in section ninety-nine-k of the state finance law and such monies
25 shall be administered by the state comptroller. Once transfers have been
26 made to the child performer's trust account or the child performer's
27 holding fund, as required by this subdivision, the child performer's
28 employer has no further duty under this section.

29 ~~[(b)]~~ (c) Custodian and guardian. Within fifteen days of the commence-
30 ment of employment the child performer's guardian or custodian must
31 establish a child performer trust account in accordance with part six of
32 this article, unless an account has previously been established. Once
33 the child performer trust account has been established the child
34 performer's guardian or custodian shall notify the child performer's
35 employer of the existence of the account and any additional information
36 required to make transfers. The custodian of the account shall promptly
37 notify the child performer's employer of any change in facts which
38 affect the employer's obligation to set aside funds under this section.
39 Upon request of the parent, legal guardian or the child performer's
40 guardian ad litem, the custodian may require the child performer's
41 employer to transfer more than ~~[fifteen percent]~~ the required percentage
42 of the gross earnings to the child performer trust account. The child
43 performer's parent or legal guardian may serve as custodian. Once the
44 child performer trust account balance reaches two hundred fifty thousand
45 dollars or more a trust company shall be appointed as custodian of the
46 account.

47 ~~[(c)]~~ (d) Financial literacy education. Upon opening a child performer
48 trust account, the child performer and the parent or guardian shall be
49 provided information by the department of labor on budgeting, saving,
50 taxes, trust management, and long-term financial planning.

51 (e) Termination of child performer trust account. The child performer
52 may terminate the child performer trust account upon reaching the age of
53 eighteen.

54 3. Standard for child performer trust accounts. Custodian management
55 of funds which are required to be placed into a child performer trust

1 account shall be subject to part six of this article, in all respects
2 except as provided in this section.

3 § 2. Paragraph (d) of subdivision 1 of section 151 of the labor law,
4 as amended by chapter 35 of the laws of 2004, is amended to read as
5 follows:

6 (d) At the time a child performer applies for an employment permit,
7 the commissioner shall inform the child performer of the child performer
8 trust requirements. The commissioner shall provide a notice in bold
9 twelve point type to read as follows: "NEW YORK STATE LAW REQUIRES
10 [~~FIFTEEN PERCENT~~] A PERCENTAGE OF A CHILD PERFORMER'S EARNINGS TO BE
11 PLACED IN TRUST IN ACCORDANCE WITH PART 7 OF ARTICLE 7 OF THE ESTATES,
12 POWERS AND TRUSTS LAW. THE LAW REQUIRES: TWENTY PERCENT OF EARNINGS UP
13 TO AND INCLUDING ONE HUNDRED THOUSAND DOLLARS; TWENTY-FIVE PERCENT OF
14 EARNINGS BETWEEN ONE HUNDRED THOUSAND ONE DOLLARS AND TWO HUNDRED FIFTY
15 THOUSAND DOLLARS; AND THIRTY PERCENT OF EARNINGS ABOVE TWO HUNDRED FIFTY
16 THOUSAND ONE DOLLARS. THE CHILD PERFORMER'S PARENTS OR GUARDIAN MUST
17 ESTABLISH THE CHILD PERFORMER TRUST ACCOUNT TO COMPLY WITH THIS REQUIRE-
18 MENT. THE CHILD'S PARENTS OR GUARDIAN MUST PROVIDE THE CHILD PERFORMER'S
19 EMPLOYER WITH THE INFORMATION NECESSARY TO TRANSFER THESE MONIES TO THE
20 ACCOUNT. FAILURE TO COMPLY WITH THIS REQUIREMENT WILL PREVENT THE
21 DEPARTMENT OF LABOR FROM RENEWING THE CHILD'S PERMIT TO WORK AS A CHILD
22 PERFORMER."

23 § 3. This act shall take effect immediately.