S T A T E O F N E W Y O R K

11153

I N A S S E M B L Y

May 20, 2010

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

AN ACT to amend the family court act and the domestic relations law, in relation to removing disability benefits as a source of income for purposes of reducing a parent's child support calculations

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Clause (iii) of subparagraph 5 of paragraph (b) of subdivision 1 of section 413 of the family court act, as amended by chapter 567 of the laws of 1989, is amended to read as follows:

(iii) to the extent not already included in gross income in clauses (i) and (ii) of this subparagraph, the amount of income or compensation voluntarily deferred and income received, if any, from the following sources:

(A) workers' compensation,

(B) [disability benefits,

(C)] unemployment insurance benefits,

[(D)] (C) social security benefits,

[(E)] (D) veterans benefits,

[(F)] (E) pensions and retirement benefits,

[(G)] (F) fellowships and stipends, and

[(H)] (G) annuity payments;

S 2. Clause (iii) of subparagraph 5 of paragraph (b) of subdivision 1-b of section 240 of the domestic relations law, as added by chapter 567 of the laws of 1989, is amended to read as follows:

(iii) to the extent not already included in gross income in clauses (i) and (ii) of this subparagraph, the amount of income or compensation voluntarily deferred and income received, if any, from the following sources:

(A) workers' compensation,

(B) [disability benefits,

(C)] unemployment insurance benefits,

[(D)] (C) social security benefits,

[(E)] (D) veterans benefits,

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

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[(F)] (E) pensions and retirement benefits,
[(G)] (F) fellowships and stipends, and
[(H)] (G) annuity payments;

S 3. This act shall take effect immediately.