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

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I N A S S E M B L Y

June 14, 2010

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Weinstein, Paulin, John) -- read once and referred to the Committee on Judiciary

AN ACT to direct the law revision commission to review and assess the divorce and maintenance laws of the state

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

Section 1. The legislature hereby finds and declares it to be the policy of the state that it is necessary to achieve equitable outcomes when families divorce and it is important to ensure that the economic consequences of a divorce are fairly shared by divorcing couples. Serious concerns have been raised that the implementation of New York state's maintenance laws have not resulted in equitable results. Maintenance is often not granted and where it is granted, the results are inconsistent and unpredictable. This raises serious concerns about the ability of our current maintenance laws to achieve equitable and fair outcomes.

The legislature further finds a comprehensive review of the provisions of our state's maintenance laws should be undertaken. It has been thirty years since the legislature significantly reformed our state's divorce laws by enacting equitable distribution of marital property and introduced the concept of maintenance to replace alimony. Concerns that the implementation of our maintenance laws have not resulted in equitable results compel the need for a review of these laws.

S 2. The law revision commission is hereby directed to:

(a) review and assess the economic consequences of divorce on the parties; and

(b) review the maintenance laws of the state, including the way in which they are administered to determine the impact of these laws on post marital economic disparities, and the effectiveness of such laws and their administration in achieving the state's policy goals and objectives of ensuring that the economic consequences of a divorce are fairly and equitably shared by the divorcing couple; and

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

LBD17702-05-0

(c) make recommendations to the legislature, including such proposed revisions of such laws as it determines necessary to achieve these goals and objectives.

S 3. The law revision commission shall make a final report of its findings, conclusions and recommendations to the legislature and the governor not later than nine months after the effective date of this act.

S 4. This act shall take effect immediately.