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

1504

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

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

AN ACT to amend the family court act, in relation to the payment of child support prior to a determination of paternity

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

Section 1. The family court act is amended by adding a new section 529 to read as follows:

S 529. PAYMENT OF SUPPORT PRIOR TO A PATERNITY HEARING. 1. A PERSON SHALL MAKE SUPPORT PAYMENTS, IN ACCORDANCE WITH THE TERMS OF A SUPPORT ORDER ENTERED PURSUANT TO ARTICLE FOUR OF THIS ACT OR SECTION TWO HUNDRED FORTY OF THE DOMESTIC RELATIONS LAW, TO THE COURT, IF SUCH PAYMENTS ARE TO OCCUR PRIOR TO THE DETERMINATION OF PATERNITY.

2. THE COURT SHALL KEEP SUCH FUNDS IN AN ESCROW ACCOUNT UNTIL AN ORDER OF FILIATION HAS BEEN ENTERED.

3. IF THE COURT DETERMINES THAT THERE IS NOT SUFFICIENT EVIDENCE TO WARRANT THE ISSUANCE OF AN ORDER OF FILIATION, THEN THE COURT SHALL RETURN THE ENTIRE ESCROW ACCOUNT TO THE PERSON WHO HAD MADE THE PAYMENTS.

4. UPON THE ENTERING OF AN ORDER OF FILIATION, THE COURT SHALL PAY ALL OF THE MONIES IN THE ESCROW ACCOUNT IN ACCORDANCE WITH THE TERMS OF THE SUPPORT ORDER.

5. IN THE EVENT THAT THE CUSTODIAL PARENT IS RECEIVING GOVERNMENTAL ASSISTANCE, THE COURT SHALL INFORM THE LOCAL OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE OF THE FINDINGS OF THE COURT IN RELATION TO THE PATERNITY HEARING AND OF THE RESULTING PAYMENT OF MONIES, IF ANY, RECEIVED BY SUCH CUSTODIAL PARENT.

S 2. This act shall take effect on the one hundred eightieth day after it shall have become a law.

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

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