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

3533

2009-2010 Regular Sessions

I N A S S E M B L Y

January 27, 2009

Introduced by M. of A. BRADLEY, EDDINGTON, FIELDS, BENEDETTO, PERALTA, KELLNER, ZEBROWSKI, SCHIMEL, ESPAILLAT -- Multi-Sponsored by -- M. of A. GABRYSZAK, GUNTHER, JEFFRIES, KOON, MAISEL, MAYERSOHN, PRETLOW, ROBINSON, TOWNS -- read once and referred to the Committee on Judiciary

AN ACT to amend the domestic relations law, in relation to no fault divorce

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

Section 1. Section 170 of the domestic relations law is amended by adding a new subdivision 7 to read as follows:

(7) THE RELATIONSHIP BETWEEN HUSBAND AND WIFE HAS BROKEN DOWN IRRETRIEVABLY FOR A PERIOD OF AT LEAST SIX MONTHS, PROVIDED THAT ONE PARTY HAS SO STATED UNDER OATH. EXCEPT UNDER EXIGENT CIRCUMSTANCES PLACED ON THE RECORD BY THE COURT, NO JUDGMENT OF DIVORCE SHALL BE GRANTED UNDER THIS SUBDIVISION UNLESS AND UNTIL THE ECONOMIC ISSUES OF EQUITABLE DISTRIBUTION OF MARITAL PROPERTY, THE PAYMENT OR WAIVER OF SPOUSAL SUPPORT, THE PAYMENT OF CHILD SUPPORT, THE PAYMENT OF COUNSEL AND EXPERTS' FEES AND EXPENSES AS WELL AS THE CUSTODY AND VISITATION WITH THE INFANT CHILDREN OF THE MARRIAGE HAVE BEEN RESOLVED BY THE PARTIES, OR DETERMINED BY THE COURT AND INCORPORATED INTO THE JUDGMENT OF DIVORCE.

S 2. This act shall take effect immediately.

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

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