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

5420

2009-2010 Regular Sessions

I N A S S E M B L Y

February 13, 2009

Introduced by M. of A. ERRIGO, CALHOUN, FINCH, GIGLIO -- Multi-Sponsored by -- M. of A. BURLING, CROUCH, WALKER -- read once and referred to the Committee on Judiciary

AN ACT to amend the domestic relations law, in relation to providing social services districts with copies of divorce decrees in certain instances

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

Section 1. Paragraph a of subdivision 7 of part B of section 236 of the domestic relations law, as amended by chapter 354 of the laws of 1993, is amended to read as follows:

a. In any matrimonial action, or in an independent action for child support, the court as provided in section two hundred forty of this [chapter] ARTICLE shall order either or both parents to pay temporary child support or child support without requiring a showing of immediate or emergency need. The court shall make an order for temporary child support notwithstanding that information with respect to income and assets of either or both parents may be unavailable. Where such information is available, the court may make an order for temporary child support pursuant to section two hundred forty of this article. Such order shall, except as provided for herein, be effective as of the date of the application therefor, and any retroactive amount of child support due shall be support arrears/past due support and shall be paid in one sum or periodic sums, as the court shall direct, taking into account any amount of temporary child support which has been paid. In addition, such retroactive child support shall be enforceable in any manner provided by law including, but not limited to, an execution for support enforcement pursuant to subdivision (b) of section fifty-two hundred forty-one of the civil practice law and rules. When a child receiving support is a public assistance recipient, or the order of support is being enforced or is to be enforced pursuant to section one hundred eleven-g of the

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

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social services law, the court shall establish the amount of retroactive child support and notify the parties that such amount shall be enforced by the support collection unit pursuant to an execution for support enforcement as provided for in subdivision (b) of section fifty-two hundred forty-one of the civil practice law and rules, or in such periodic payments as would have been authorized had such an execution been issued. In such case, the court shall not direct the schedule of repayment of retroactive support. The court shall not consider the misconduct of either party but shall make its award for child support pursuant to section two hundred forty of this article. WHEN ONE OF THE PARTIES IS DEPENDENT UPON MEDICAID, THE COURT SHALL SERVE DIVORCE DECREE PAPERS TO THE LOCAL SOCIAL SERVICES DISTRICT AND THE COURT SHALL NOTE THAT ONE OF THE PARTIES IS DEPENDENT UPON MEDICAID. THE LOCAL SOCIAL SERVICES DISTRICT SHALL THEN REQUIRE THE OTHER PARTY TO PROVIDE HEALTH INSURANCE COVERAGE THROUGH HIS OR HER EMPLOYER OR ORGANIZATION.

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