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

January 21, 2010

Introduced by M. of A. BING, LAVINE, GALEF, LANCMAN, TITONE, CYMBROWITZ, KOON, POWELL, SCHIMEL, ZEBROWSKI, BENEDETTO, KELLNER, J. RIVERA, ESPAILLAT, KAVANAGH, DINOWITZ, SPANO, FIELDS, ORTIZ, BOYLAND, CASTRO, HYER-SPENCER -- Multi-Sponsored by -- M. of A. ALFANO, BURLING, CAHILL, CALHOUN, CONTE, COOK, CROUCH, DenDEKKER, DUPREY, ERRIGO, FINCH, GABRYSZAK, GIANARIS, GIGLIO, GOTTFRIED, GUNTHER, HEVESI, HOOPER, JEFFRIES, JORDAN, LIFTON, LUPARDO, MAGEE, MAISEL, MARKEY, MAYERSOHN, McDONOUGH, McKEVITT, MENG, M. MILLER, MILLMAN, MONTESANO, PERRY, PRETLOW, QUINN, REILICH, P. RIVERA, ROBINSON, SAYWARD, SCARBOROUGH, SCOZZAFAVA, SKARTADOS, SWEENEY, THIELE, TOWNS, TOWNSEND -- read once and referred to the Committee on Judiciary -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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. 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 on the sixtieth day after it shall have become a law and and shall apply to matrimonial actions commenced on or after such effective date.

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

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