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

3665

2009-2010 Regular Sessions

I N S E N A T E

March 27, 2009

Introduced by Sens. FLANAGAN, LARKIN, PADAVAN, VOLKER -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary

AN ACT to amend the family court act, in relation to enforcement and punishment for failure to make child support payments

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 458-d to read as follows:

S 458-D. ENFORCEMENT OF ARREARS; ADDITIONAL PENALTY. IN ADDITION TO THE RELIEF GRANTED FOR FAILURE TO COMPLY WITH AN ORDER OF SUPPORT PURSUANT TO THIS ARTICLE, AN AGGRIEVED PARTY MAY MAKE AN APPLICATION PURSUANT TO THE PROVISION OF SECTION SEVEN HUNDRED FIFTY-SIX OF THE JUDICIARY LAW TO PUNISH A RESPONDENT FOR CONTEMPT, AND WHERE THE JUDGMENT OR ORDER DIRECTS PAYMENT TO BE MADE IN INSTALLMENTS, OR AT STATED INTERVALS, FAILURE TO MAKE SUCH PAYMENTS OR INSTALLMENT MAY BE PUNISHED AS THEREIN PROVIDED AND SUCH PUNISHMENT, EITHER BY FINE OR COMMITMENT, SHALL NOT BE A BAR TO A SUBSEQUENT PROCEEDING TO PUNISH THE RESPONDENT FOR A CONTEMPT FOR FAILURE TO PAY SUBSEQUENT INSTALLMENTS; PROVIDED, HOWEVER IF THE RESPONDENT HAS ACCUMULATED CHILD SUPPORT ARREARS EQUIVALENT TO OR GREATER THAN TEN THOUSAND DOLLARS, THE RESPONDENT SHALL BE GUILTY OF A CLASS E FELONY PUNISHABLE IN ACCORDANCE WITH THE PENAL LAW.

S 2. This act shall take effect on the first of November next succeeding the date on which it shall have become a law and shall apply to any judgment entered or fine or penalty imposed on any arrears accrued on or after such date.

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

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