

3879

2009-2010 Regular Sessions

I N S E N A T E

April 2, 2009

Introduced by Sen. MONTGOMERY -- (at request of the Office of Temporary and Disability Assistance) -- read twice and ordered printed, and when printed to be committed to the Committee on Social Services

AN ACT to amend the social services law, in relation to publication of a child support standards chart; to amend the social services law and the family court act, in relation to clarifying the role of the support collection unit in violation proceedings and the role of an attorney appearing for the social services district on behalf of an individual receiving child support services; and to amend the family court act, in relation to correcting references to federal authority

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

1 Section 1. Short title. This act shall be known and may be cited as
2 the "child support modernization act".
3 S 2. Subdivision 2 of section 111-i of the social services law, as
4 added by chapter 567 of the laws of 1989, is amended to read as follows:
5 2. [(a)] The commissioner shall publish annually [in department regu-
6 lations the revised self-support reserve as defined in section two
7 hundred forty of the domestic relations law to reflect the annual updat-
8 ing of the poverty income guidelines amount for a single person as
9 reported by the federal department of health and human services] A CHILD
10 SUPPORT STANDARDS CHART AS SOON AS PRACTICABLE FOLLOWING PUBLICATION OF
11 THE REVISED POVERTY INCOME GUIDELINE FOR A SINGLE PERSON BY THE FEDERAL
12 DEPARTMENT OF HEALTH AND HUMAN SERVICES AND PUBLICATION OF THE CONSUMER
13 PRICE INDEX FOR ALL URBAN CONSUMERS (CPI-U) BY THE UNITED STATES DEPART-
14 MENT OF LABOR BUREAU OF LABOR STATISTICS. THE CHILD SUPPORT STANDARDS
15 CHART SHALL INCLUDE: (I) THE REVISED POVERTY INCOME GUIDELINE FOR A
16 SINGLE PERSON AS REPORTED BY THE FEDERAL DEPARTMENT OF HEALTH AND HUMAN
17 SERVICES; (II) THE SELF-SUPPORT RESERVE AMOUNT CALCULATED FROM THE
18 REVISED POVERTY INCOME GUIDELINE; AND (III) THE DOLLAR AMOUNTS YIELDED
19 THROUGH APPLICATION OF THE CHILD SUPPORT PERCENTAGE AS DEFINED IN

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

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1 SECTION TWO HUNDRED FORTY OF THE DOMESTIC RELATIONS LAW AND SECTION FOUR
2 HUNDRED THIRTEEN OF THE FAMILY COURT ACT.

3 [(b) The commissioner shall publish in department regulations a child
4 support standards chart to reflect the dollar amounts yielded through
5 application of the child support percentage as defined in section two
6 hundred forty of the domestic relations law.]

7 S 3. Section 111-c of the social services law is amended by adding a
8 new subdivision 4 to read as follows:

9 4. A. A SOCIAL SERVICES DISTRICT REPRESENTS THE INTERESTS OF THE
10 DISTRICT IN PERFORMING ITS FUNCTIONS AND DUTIES AS PROVIDED IN THIS
11 TITLE AND NOT THE INTERESTS OF ANY PARTY. THE INTERESTS OF A DISTRICT
12 SHALL INCLUDE, BUT ARE NOT LIMITED TO, ESTABLISHING PATERNITY, AND
13 ESTABLISHING, MODIFYING AND ENFORCING CHILD SUPPORT ORDERS.

14 B. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE PROVISION OF CHILD
15 SUPPORT SERVICES PURSUANT TO THIS TITLE DOES NOT CONSTITUTE NOR CREATE
16 AN ATTORNEY-CLIENT RELATIONSHIP BETWEEN THE INDIVIDUAL RECEIVING
17 SERVICES AND ANY ATTORNEY REPRESENTING OR APPEARING FOR THE DISTRICT.

18 C. A SOCIAL SERVICES DISTRICT MAY APPEAR IN ANY ACTION TO ESTABLISH
19 PATERNITY, OR TO ESTABLISH, MODIFY, OR ENFORCE AN ORDER OF SUPPORT WHEN
20 AN INDIVIDUAL IS RECEIVING SERVICES UNDER THIS TITLE.

21 S 4. Subdivision (a) of section 453 of the family court act, as added
22 by chapter 456 of the laws of 1978, is amended to read as follows:

23 (a) Persons who may originate AND PROSECUTE proceedings. The original
24 petitioner, the support collection unit ON BEHALF OF PERSONS IN RECEIPT
25 OF PUBLIC ASSISTANCE OR IN RECEIPT OF SERVICES PURSUANT TO SECTION ONE
26 HUNDRED ELEVEN-G OF THE SOCIAL SERVICES LAW, or any person to whom the
27 order is payable expressly or who may originate proceedings under
28 section four hundred twenty-two of this article may originate AND PROSE-
29 CUTE a proceeding under this part.

30 S 5. Subdivision (d) of section 516-a of the family court act, as
31 amended by chapter 462 of the laws of 2007, is amended to read as
32 follows:

33 (d) A determination of paternity made by any other state, whether
34 established through an administrative or judicial process or through an
35 acknowledgment of paternity signed in accordance with that state's laws,
36 must be accorded full faith and credit[, if and only if such acknowledg-
37 ment meets the requirements set forth in section 652(a)(7) of title IV-D
38 of the social security act] PURSUANT TO SECTION 466(A)(11) OF TITLE IV-D
39 OF THE SOCIAL SECURITY ACT (42 U.S.C. S 666(A)(11)).

40 S 6. This act shall take effect immediately.