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

7762

2011-2012 Regular Sessions

I N A S S E M B L Y

May 16, 2011

Introduced by M. of A. SCHIMEL -- read once and referred to the Committee on Judiciary

AN ACT to amend the family court act and the domestic relations law, in relation to the purchase or maintenance of a policy of disability insurance

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

Section 1. The section heading and subdivision (b) of section 416 of the family court act, as amended by chapter 624 of the laws of 2002, are amended to read as follows:

Elements of support; provisions for accident, life, DISABILITY and health insurance benefits.

(b) The court may also order a party to purchase, maintain, or assign a policy of accident insurance or insurance on the life of either party and designate in the case of life insurance, the person or persons on whose behalf the petition is brought or in the case of accident insurance, the insured party as irrevocable beneficiaries during a period of time fixed by the court. IN ADDITION, THE COURT MAY ALSO ORDER AN OBLIGOR PARTY TO PURCHASE OR MAINTAIN A POLICY OF DISABILITY INSURANCE AS A MEANS OF ENSURING CONTINUED SUPPORT BY AN OBLIGOR PARTY DURING A PERIOD OF TIME FIXED BY THE COURT. The obligation to provide such insurance shall cease upon the termination of such party's duty to provide support.

S 2. Paragraph a of subdivision 8 of part B of section 236 of the domestic relations law, as amended by chapter 275 of the laws of 1999, is amended to read as follows:

a. In any matrimonial action the court may order a party to purchase, maintain or assign a policy of insurance providing benefits for health and hospital care and related services for either spouse or children of the marriage not to exceed such period of time as such party shall be obligated to provide maintenance, child support or make payments of a

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

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distributive award. The court may also order a party to purchase, maintain or assign a policy of accident insurance or insurance on the life of either spouse, and to designate in the case of life insurance, either spouse or children of the marriage, or in the case of accident insurance, the insured spouse as irrevocable beneficiaries during a period of time fixed by the court. IN ADDITION, THE COURT MAY ALSO ORDER AN OBLIGOR PARTY TO PURCHASE OR MAINTAIN A POLICY OF DISABILITY INSURANCE AS A MEANS OF ENSURING CONTINUED SUPPORT BY AN OBLIGOR PARTY DURING A PERIOD OF TIME FIXED BY THE COURT. The obligation to provide such insurance shall cease upon the termination of the spouse's duty to provide maintenance, child support or a distributive award. A copy of such order shall be served, by registered mail, on the home office of the insurer specifying the name and mailing address of the spouse or children, provided that failure to so serve the insurer shall not affect the validity of the order.

S 3. This act shall take effect on the first of January next succeeding the date on which it shall have become a law.