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

7794--A

2011-2012 Regular Sessions

I N A S S E M B L Y

May 17, 2011

Introduced by M. of A. WEINSTEIN, WEPRIN -- (at request of the Office of Court Administration) -- read once and referred to the Committee on Judiciary -- reported and referred to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the family court act and the social services law, in relation to orders for child support obligors to seek employment or participate in job training, employment counseling or other available programs designed to lead to employment

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

Section 1. Section 437-a of the family court act, as added by chapter 182 of the laws of 2010, is amended to read as follows:

S 437-a. Referral to work programs. In any proceeding to establish, DECREASE OR ENFORCE an order of support, if the [respondent] SUPPORT OBLIGOR is unemployed, the court may require the [respondent] SUPPORT OBLIGOR to seek employment, or to participate in job training, employment counseling or other programs designed to lead to employment provided such programs are available. The court shall not require the [respondent] SUPPORT OBLIGOR to seek employment or to participate in job training, employment counseling, or other programs designed to lead to employment under this section if the [respondent] SUPPORT OBLIGOR is in receipt of supplemental security income or social security disability benefits.

S 2. Subdivision 2 of section 454 of the family court act is amended by adding a new paragraph (i) to read as follows:

(I) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (H) OF THIS SUBDIVISION, THE COURT MAY REQUIRE THE RESPONDENT TO PARTICIPATE IN JOB TRAINING, EMPLOYMENT COUNSELING OR OTHER PROGRAMS DESIGNED TO LEAD TO EMPLOYMENT IF AUTHORIZED PURSUANT TO SECTION FOUR HUNDRED THIRTY-SEVEN-A OF THIS ARTICLE PROVIDED SUCH PROGRAMS ARE AVAILABLE.

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

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S 3. Subdivision 20 of section 111-h of the social services law, as added by chapter 182 of the laws of 2010, is amended to read as follows:

20. If the [respondent] SUPPORT OBLIGOR is required to participate in work programs pursuant to section four hundred thirty-seven-a of the family court act, and the court enters an order of support on behalf of the persons in receipt of public assistance, the support collection unit shall not file a petition to increase the support obligation for twelve months from the date of entry of the order of support if the [respondent's] SUPPORT OBLIGOR'S income is derived from participation in such programs.

S 4. This act shall take effect on the ninetieth day after it shall have become a law.