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

4989--A

2011-2012 Regular Sessions

I N S E N A T E

May 2, 2011

Introduced by Sens. LITTLE, HUNTLEY, ADAMS, CARLUCCI, DILAN, ESPAILLAT, HANNON, KLEIN, SAVINO -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary -- recommitted to the Committee on Judiciary in accordance with Senate Rule 6, sec. 8 -- 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. Subdivision 7 of section 170 of the domestic relations law, as added by chapter 384 of the laws of 2010, is amended 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; PROVIDED, FURTHER, WHERE THE NON-PETITIONING SPOUSE TO THE DIVORCE ACTION IS A DOCUMENTED VICTIM OF DOMESTIC VIOLENCE BY THE PETITIONING SPOUSE THE NON-PETITIONING SPOUSE MUST CONSENT TO THE DIVORCE IN ORDER FOR IT TO OCCUR. 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 immediately and shall be deemed to have been in full force and effect on the same date and in the same manner as chapter 384 of the laws of 2010 took effect.

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

LBD09331-06-2