

S. 4547

A. 7070

2011-2012 Regular Sessions

S E N A T E - A S S E M B L Y

April 11, 2011

IN SENATE -- Introduced by Sen. LAVALLE -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary

IN ASSEMBLY -- Introduced by M. of A. THIELE -- 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 reducing a parent's child support obligation by the amount of social security dependent benefits received by the child

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

1 Section 1. Subparagraph 1 of paragraph (b) of subdivision 1 of section
2 413 of the family court act, as amended by chapter 567 of the laws of
3 1989, is amended to read as follows:
4 (1) "Basic child support obligation" shall mean the sum derived by
5 adding the amounts determined by the application of subparagraphs two
6 and three of paragraph (c) of this subdivision except as increased
7 pursuant to subparagraphs four, five, six and seven of such paragraph
8 AND DECREASED PURSUANT TO SUBPARAGRAPH EIGHT OF SUCH PARAGRAPH.
9 S 2. Clause (iii) of subparagraph 5 of paragraph (b) of subdivision 1
10 of section 413 of the family court act, as amended by chapter 567 of the
11 laws of 1989, is amended to read as follows:
12 (iii) to the extent not already included in gross income in clauses
13 (i) and (ii) of this subparagraph, the amount of income or compensation
14 voluntarily deferred and income received, if any, from the following
15 sources:
16 (A) workers' compensation,
17 (B) disability benefits,
18 (C) unemployment insurance benefits,
19 (D) social security benefits,
20 (E) veterans benefits,
21 (F) pensions and retirement benefits,

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

LBD10694-01-1

1 (G) fellowships and stipends, [and]

2 (H) annuity payments[;], AND

3 (I) SOCIAL SECURITY DEPENDENT BENEFITS RECEIVED BY THE CHILD OR CHIL-
4 DREN DUE TO THE EARNINGS OF THE PARENT;

5 S 3. Paragraph (c) of subdivision 1 of section 413 of the family court
6 act is amended by adding a new subparagraph 8 to read as follows:

7 (8) SOCIAL SECURITY BENEFITS RECEIVED BY THE CHILD OR CHILDREN DUE TO
8 THE EARNINGS OF A PARENT SHALL BE CREDITED AS CHILD SUPPORT TO THE
9 PARENT UPON WHOSE EARNING RECORD IT IS BASED.

10 S 4. Subparagraph 1 of paragraph (b) of subdivision 1-b of section 240
11 of the domestic relations law, as added by chapter 567 of the laws of
12 1989, is amended to read as follows:

13 (1) "Basic child support obligation" shall mean the sum derived by
14 adding the amounts determined by the application of subparagraphs two
15 and three of paragraph (c) of this subdivision except as increased
16 pursuant to subparagraphs four, five, six and seven of such paragraph
17 AND DECREASED PURSUANT TO SUBPARAGRAPH EIGHT OF SUCH PARAGRAPH.

18 S 5. Clause (iii) of subparagraph 5 of paragraph (b) of subdivision
19 1-b of section 240 of the domestic relations law, as added by chapter
20 567 of the laws of 1989, is amended to read as follows:

21 (iii) to the extent not already included in gross income in clauses
22 (i) and (ii) of this subparagraph, the amount of income or compensation
23 voluntarily deferred and income received, if any, from the following
24 sources:

25 (A) workers' compensation,

26 (B) disability benefits,

27 (C) unemployment insurance benefits,

28 (D) social security benefits,

29 (E) veterans benefits,

30 (F) pensions and retirement benefits,

31 (G) fellowships and stipends, [and]

32 (H) annuity payments[;], AND

33 (I) SOCIAL SECURITY DEPENDENT BENEFITS RECEIVED BY THE CHILD OR CHIL-
34 DREN DUE TO THE EARNINGS OF THE PARENT;

35 S 6. Paragraph (c) of subdivision 1-b of section 240 of the domestic
36 relations law is amended by adding a new subparagraph 8 to read as
37 follows:

38 (8) SOCIAL SECURITY BENEFITS RECEIVED BY THE CHILD OR CHILDREN DUE TO
39 THE EARNINGS OF A PARENT SHALL BE CREDITED AS CHILD SUPPORT TO THE
40 PARENT UPON WHOSE EARNING RECORD IT IS BASED.

41 S 7. This act shall take effect immediately.