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

7584

I N S E N A T E

June 5, 2012

Introduced by Sens. GALLIVAN, SAVINO -- (at request of the Office of Court Administration) -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the family court act and the social services law, in relation to orders for child support obligors to seek employment, and to repeal paragraph (i) of subdivision 2 of section 454 of the family court act relating thereto

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 amended by chapter 592 of the laws of 2011, is amended to read as follows:

S 437-a. Referral to work programs. In any proceeding to establish[, decrease] or [enforce] MODIFY an order of support, if the support obligor is unemployed, the court may require the 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 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 support obligor is in receipt of supplemental security income or social security disability benefits.

S 2. Paragraph (i) of subdivision 2 of section 454 of the family court act is REPEALED.

S 3. Paragraph (h) of subdivision 2 of section 454 of the family court act, as added by chapter 214 of the laws of 1998, is amended to read as follows:

(h) the court may require the respondent, if the persons for whom the respondent has failed to pay support are applicants for or recipients of public assistance, to participate in work activities as defined in title nine-B of article five of the social services law. Those respondents ordered to participate in work activities need not be applicants for or recipients of public assistance. IF THE PERSONS FOR WHOM THE RESPONDENT HAS FAILED TO PAY SUPPORT ARE NOT APPLICANTS FOR OR RECIPIENTS OF PUBLIC ASSISTANCE AND, WHERE THE RESPONDENT IS UNEMPLOYED AND NOT IN RECEIPT OF

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

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SUPPLEMENTAL SECURITY INCOME OR SOCIAL SECURITY DISABILITY BENEFITS, THE COURT MAY REQUIRE THE RESPONDENT TO SEEK EMPLOYMENT OR TO PARTICIPATE IN JOB TRAINING, EMPLOYMENT COUNSELING OR OTHER PROGRAMS DESIGNED TO LEAD TO EMPLOYMENT, PROVIDED SUCH PROGRAMS ARE AVAILABLE.

S 4. Subdivision 20 of section 111-h of the social services law, as amended by chapter 592 of the laws of 2011, is amended to read as follows:

20. If the [support obligor] RESPONDENT 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 [support obligor's] RESPONDENT'S income is derived from participation in such programs.

S 5. This act shall take effect immediately.