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

S. 2005 A. 1888

2013-2014 Regular Sessions

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

(PREFILED)

January 9, 2013

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:

Section 1. Subparagraph 1 of paragraph (b) of subdivision 1 of section 413 of the family court act, as amended by chapter 567 of the laws of 1989, is amended to read as follows:

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

S 2. Clause (iii) of subparagraph 5 of paragraph (b) of subdivision 1 of section 413 of the family court act, as amended by chapter 567 of the laws of 1989, is amended to read as follows:

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

(A) workers' compensation,

(B) disability benefits,

(C) unemployment insurance benefits,

(D) social security benefits,

(E) veterans benefits,

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

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(F) pensions and retirement benefits,
(G) fellowships and stipends, [and]
(H) annuity payments[;], AND
(I) SOCIAL SECURITY DEPENDENT BENEFITS RECEIVED BY THE CHILD OR CHILDREN DUE TO THE EARNINGS OF THE PARENT;

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

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

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

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

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

(iii) to the extent not already included in gross income in clauses (i) and (ii) of this subparagraph, the amount of income or compensation voluntarily deferred and income received, if any, from the following sources:
(A) workers' compensation,
(B) disability benefits,
(C) unemployment insurance benefits,
(D) social security benefits,
(E) veterans benefits,
(F) pensions and retirement benefits,
(G) fellowships and stipends, [and]
(H) annuity payments[;], AND
(I) SOCIAL SECURITY DEPENDENT BENEFITS RECEIVED BY THE CHILD OR CHILDREN DUE TO THE EARNINGS OF THE PARENT;

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

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

S 7. This act shall take effect immediately.