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

5691

2013-2014 Regular Sessions

I N A S S E M B L Y

March 5, 2013

Introduced by M. of A. STEVENSON -- 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 calculating parental gross income derived solely from public assistance

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

Section 1. The opening paragraph 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:

"Income" shall mean, but shall not be limited to, the sum of the amounts determined by the application of clauses (i), (ii), (iii), (III-A), (iv), (v) and (vi) of this subparagraph reduced by the amount determined by the application of clause (vii) of this subparagraph:

S 2. Subparagraph 5 of paragraph (b) of subdivision 1 of section 413 of the family court act is amended by adding a new clause (iii-a) to read as follows:

(III-A) IN INSTANCES WHERE GROSS INCOME OF A PARENT DERIVES SOLELY FROM DISABILITY BENEFITS, SOCIAL SECURITY BENEFITS OR ANY OTHER FORM OF PUBLIC ASSISTANCE, THE COURT SHALL DETERMINE SUCH PARENT'S GROSS INCOME ON THE LESSER OF SUCH PUBLIC ASSISTANCE AMOUNT OR THE CURRENT MINIMUM WAGE RATE FOR AN ESTIMATED FORTY-HOUR WORKWEEK LESS ANY DEDUCTIONS AVAILABLE UNDER THIS SUBDIVISION;

S 3. The opening paragraph 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:

"Income" shall mean, but shall not be limited to, the sum of the amounts determined by the application of clauses (i), (ii), (iii), (III-A), (iv), (v) and (vi) of this subparagraph reduced by the amount determined by the application of clause (vii) of this subparagraph:

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

LBD07753-01-3

S 4. Subparagraph 5 of paragraph (b) of subdivision 1-b of section 240 of domestic relations law is amended by adding a new clause (iii-a) to read as follows:

(III-A) IN INSTANCES WHERE GROSS INCOME OF A PARENT DERIVES SOLELY FROM DISABILITY BENEFITS, SOCIAL SECURITY BENEFITS OR ANY OTHER FORM OF PUBLIC ASSISTANCE, THE COURT SHALL DETERMINE SUCH PARENT'S GROSS INCOME ON THE LESSER OF SUCH PUBLIC ASSISTANCE AMOUNT OR THE CURRENT MINIMUM WAGE RATE FOR AN ESTIMATED FORTY-HOUR WORKWEEK LESS ANY DEDUCTIONS AVAILABLE UNDER THIS SUBDIVISION;

S 5. This act shall take effect immediately.