

4816

2015-2016 Regular Sessions

I N   A S S E M B L Y

February 6, 2015

---

Introduced by M. of A. BUTLER, BORELLI -- Multi-Sponsored by -- M. of A.  
ARROYO, OAKS -- read once and referred to the Committee on Judiciary

AN ACT to amend the domestic relations law, in relation to requiring  
parents to provide certain information as part of custody and support  
agreements

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

1     Section 1. Subdivision 4 of part B of section 236 of the domestic  
2 relations law, as separately amended by chapters 884 and 892 of the laws  
3 of 1986, paragraph a as amended by chapter 214 of the laws of 1998, is  
4 amended to read as follows:  
5     4. Compulsory financial disclosure. a. In all matrimonial actions and  
6 proceedings in which alimony, maintenance or support is in issue, there  
7 shall be compulsory disclosure by both parties of their respective  
8 financial states. No showing of special circumstances shall be required  
9 before such disclosure is ordered. A sworn statement of net worth shall  
10 be provided upon receipt of a notice in writing demanding the same,  
11 within twenty days after the receipt thereof. In the event said state-  
12 ment is not demanded, it shall be filed with the clerk of the court by  
13 each party, within ten days after joinder of issue, in the court in  
14 which the proceeding is pending. As used in this part, the term "net  
15 worth" shall mean the amount by which total assets including income  
16 exceed total liabilities including fixed financial obligations. It shall  
17 include all income and assets of whatsoever kind and nature and wherever  
18 situated and shall include a list of all assets transferred in any  
19 manner during the preceding three years, or the length of the marriage,  
20 whichever is shorter; provided, however that transfers in the routine  
21 course of business which resulted in an exchange of assets of substan-  
22 tially equivalent value need not be specifically disclosed where such  
23 assets are otherwise identified in the statement of net worth. All such  
24 sworn statements of net worth shall be accompanied by a current and

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

LBD03592-01-5

1 representative paycheck stub and the most recently filed state and  
2 federal income tax returns including a copy of the W-2(s) wage and tax  
3 statement(s) submitted with the returns. In addition, both parties shall  
4 provide information relating to any and all group health plans available  
5 to them for the provision of care or other medical benefits by insurance  
6 or otherwise for the benefit of the child or children for whom support  
7 is sought, including all such information as may be required to be  
8 included in a qualified medical child support order as defined in  
9 section six hundred nine of the employee retirement income security act  
10 of 1974 (29 USC 1169) including, but not limited to: (i) the name and  
11 last known mailing address of each party and of each dependent to be  
12 covered by the order; (ii) the identification and a description of each  
13 group health plan available for the benefit or coverage of the disclos-  
14 ing party and the child or children for whom support is sought; (iii) a  
15 detailed description of the type of coverage available from each group  
16 health plan for the potential benefit of each such dependent; (iv) the  
17 identification of the plan administrator for each such group health plan  
18 and the address of such administrator; (v) the identification numbers  
19 for each such group health plan; and (vi) such other information as may  
20 be required by the court. Noncompliance shall be punishable by any or  
21 all of the penalties prescribed in section thirty-one hundred twenty-six  
22 of the civil practice law and rules, in examination before or during  
23 trial. FINANCIAL INFORMATION REQUIRED TO BE DISCLOSED PURSUANT TO THIS  
24 SUBDIVISION SHALL BE MADE AVAILABLE TO ANY CHILD FOR WHOM SUPPORT IS  
25 BEING PAID BY EITHER PARENT, FOR THE PURPOSE OF PERMITTING SUCH CHILD TO  
26 FILE FOR STUDENT FINANCIAL AID FOR ATTENDANCE AT A POST-SECONDARY EDUCA-  
27 TIONAL INSTITUTION. BOTH PARENTS SHALL BE REQUIRED TO PROVIDE ANY  
28 REQUIRED FINANCIAL INFORMATION AND TO COMPLETE ANY FORMS NECESSARY FOR  
29 THE CHILD TO APPLY FOR FINANCIAL ASSISTANCE FOR SUCH PURPOSE. THE  
30 PROVISIONS OF THIS PARAGRAPH SHALL NOT IMPOSE A REQUIREMENT THAT EITHER  
31 OF BOTH PARENTS CONTRIBUTE TO THE COSTS OF POST SECONDARY EDUCATION  
32 EXCEPT AS OTHERWISE PROVIDED IN A CUSTODY OR SUPPORT AGREEMENT EXECUTED  
33 OR ORDERED UNDER THE PROVISIONS OF THIS CHAPTER.

34 b. As soon as practicable after a matrimonial action has been  
35 commenced, the court shall set the date or dates the parties shall use  
36 for the valuation of each asset. The valuation date or dates may be  
37 anytime from the date of commencement of the action to the date of  
38 trial.

39 S 2. This act shall take effect immediately.