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

2392--A

2015-2016 Regular Sessions

I N S E N A T E

January 22, 2015

Introduced by Sen. MARTINS -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the domestic relations law and the family court act, in relation to child support for children attending a college ROTC program, a military college, a military preparatory school or one of the United States military academies

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

Section 1. Paragraph f of subdivision 1 of part B of section 236 of the domestic relations law, as amended by chapter 281 of the laws of 1980, is amended to read as follows:

f. The term "child support" shall mean a sum paid pursuant to court order or decree by either or both parents or pursuant to a valid agreement between the parties for care, maintenance and education of any unemancipated child under the age of twenty-one years. FOR PURPOSES OF THIS PARAGRAPH, A CHILD UNDER THE AGE OF TWENTY-ONE YEARS WHO ATTENDS A COLLEGE RESERVE OFFICERS' TRAINING CORPS (ROTC) PROGRAM, A MILITARY COLLEGE, A MILITARY PREPARATORY SCHOOL OR ONE OF THE UNITED STATES MILITARY ACADEMIES SHALL NOT BE DEEMED EMANCIPATED SOLELY FOR ATTENDING SUCH EDUCATIONAL INSTITUTION.

S 2. Subparagraph 2 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:

(2) "Child support" shall mean a sum to be paid pursuant to court order or decree by either or both parents or pursuant to a valid agreement between the parties for care, maintenance and education of any unemancipated child under the age of twenty-one years. FOR PURPOSES OF THIS SUBPARAGRAPH, A CHILD UNDER THE AGE OF TWENTY-ONE YEARS WHO ATTENDS A COLLEGE RESERVE OFFICERS' TRAINING CORPS (ROTC) PROGRAM, A MILITARY

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

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COLLEGE, A MILITARY PREPARATORY SCHOOL OR ONE OF THE UNITED STATES MILITARY ACADEMIES SHALL NOT BE DEEMED EMANCIPATED SOLELY FOR ATTENDING SUCH EDUCATIONAL INSTITUTION.

S 3. Subparagraph 2 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:

(2) "Child support" shall mean a sum to be paid pursuant to court order or decree by either or both parents or pursuant to a valid agreement between the parties for care, maintenance and education of any unemancipated child under the age of twenty-one years. FOR PURPOSES OF THIS SUBPARAGRAPH, A CHILD UNDER THE AGE OF TWENTY-ONE YEARS WHO ATTENDS A COLLEGE RESERVE OFFICERS' TRAINING CORPS (ROTC) PROGRAM, A MILITARY COLLEGE, A MILITARY PREPARATORY SCHOOL OR ONE OF THE UNITED STATES MILITARY ACADEMIES SHALL NOT BE DEEMED EMANCIPATED SOLELY FOR ATTENDING SUCH EDUCATIONAL INSTITUTION.

S 4. This act shall take effect immediately.