STATE OF NEW YORK

11017--A

IN ASSEMBLY

May 31, 2018

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Weinstein) -- (at request of the Office of Temporary and Disability Assistance) -- read once and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the social services law and the abandoned property law, in relation to the transfer of unclaimed support collections and unidentified payments; and repealing certain provisions of such laws relating thereto

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivisions 5, 6, 7, 12, 13, 14, 15, 16 and 17 of section 111-h of the social services law are REPEALED, subdivisions 18, 19 and 20 are renumbered subdivisions 12, 13 and 14 and three new subdivisions 5, 6 and 7 are added to read as follows:

5. Except as provided in subdivision six of this section, any funds paid to a support collection unit established by a social services district which have not been disbursed after two years of diligent efforts to locate the person entitled to such funds shall be paid to the state comptroller in accordance with subdivision seven of this section unless information has been received that is likely to lead to the location of the person who is entitled to such funds; provided, however, where the support collection unit determines that the person entitled to the funds is deceased and cannot locate an estate for the person entitled to the funds, or the estate does not claim the funds, such funds may be paid to the state comptroller in accordance with subdivision seven of this section without two years of diligent efforts.

6. Any funds paid to a support collection unit established by a social services district for which the remitter of such funds has not provided sufficient identifying information to associate the funds with an existing or previously existing child support account, and such information cannot be determined after diligent efforts, shall be paid to the state comptroller in accordance with subdivision seven of this section.

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

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7. In the month of April, on or before the tenth day thereof, such payment shall be delivered to the state comptroller and shall be accompanied by a written report, affirmed as true and accurate under the penalty of perjury, classified as the state comptroller shall prescribe, setting forth: (a) the names and last known addresses, if any, of the persons entitled to receive such abandoned property; (b) the title of any proceeding relating to such abandoned property; and (c) such other identifying information as the state comptroller may require.

§ 2. Paragraph (c) of subdivision 1 of section 600 of the abandoned property law is REPEALED.

§ 3. Subdivision 3 of section 602 of the abandoned property law is REPEALED.

§ 4. The abandoned property law is amended by adding a new section 1318 to read as follows:

§ 1318. Unclaimed spousal and child support. Any amount representing child support or child and spousal support paid to a support collection unit established by a social services district which has been delivered to the state comptroller pursuant to subdivision seven of section one hundred eleven-h of the social services law shall be deemed abandoned property. On or before the tenth day of April in each year, such abandoned property shall be paid to the state comptroller. Such payment shall be accompanied by a verified written report in such form as the state comptroller may prescribe.

§ 5. This act shall take effect immediately; provided, however, that any funds which were deposited with the county treasurer or the commissioner of finance of the city of New York in accordance with section 111-h of the social services law prior to the effective date of this act shall be delivered to the state comptroller in the first April following the effective date of this act, in accordance with subdivision 7 of section 111-h of the social services law, as set forth in section one of this act.