

STATE OF NEW YORK

8836

2017-2018 Regular Sessions

IN ASSEMBLY

December 22, 2017

Introduced by M. of A. GIGLIO, GRAF -- read once and referred to the Committee on Judiciary

AN ACT to amend the family court act, in relation to issuing temporary spousal support

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

1 Section 1. The section heading and subdivision 4 of section 828 of the
2 family court act, the section heading as amended and subdivision 4 as
3 added by chapter 222 of the laws of 1994, are amended to read as
4 follows:

5 Temporary order of protection; temporary order for child support,
6 and/or spousal support.

7 4. Notwithstanding the provisions of section eight hundred seventeen
8 of this article the court may, together with a temporary order of
9 protection issued pursuant to this section, issue an order for temporary
10 child support and/or temporary spousal support, in an amount sufficient
11 to meet the needs of the child and/or spouse, without a showing of imme-
12 diate or emergency need. The court shall make an order for temporary
13 child support and/or temporary spousal support notwithstanding that
14 information with respect to income and assets of the respondent may be
15 unavailable. Where such information is available, the court may make an
16 award for temporary child support pursuant to the formula set forth in
17 subdivision one of section four hundred thirteen of this act and for
18 temporary spousal support pursuant to the formula set forth in subdivi-
19 sion six of section two hundred thirty-six of the domestic relations
20 law. An order making such award shall be deemed to have been issued
21 pursuant to article four of this act. Upon making an order for temporary
22 child support pursuant to this subdivision, the court shall advise the
23 petitioner of the availability of child support enforcement services by
24 the support collection unit of the local department of social services,
25 to enforce the temporary order and to assist in securing continued child

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

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1 support, and shall set the support matter down for further proceedings
2 in accordance with article four of this act.

3 Where the court determines that the respondent has employer-provided
4 medical insurance, the court may further direct, as part of an order of
5 temporary child support under this subdivision, that a medical support
6 execution be issued and served upon the respondent's employer as
7 provided for in section fifty-two hundred forty-one of the civil prac-
8 tice law and rules.

9 § 2. This act shall take effect on the ninetieth day after it shall
10 have become law.