STATE OF NEW YORK

9919

IN ASSEMBLY

February 22, 2018

Introduced by M. of A. JOYNER -- (at request of the Office of Court Administration) -- 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 the date of adjustment of the spousal maintenance cap

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

Section 1. Paragraph (d) of subdivision 2 of section 412 of the family court act, as added by chapter 269 of the laws of 2015, is amended to read as follows:

(d) "income cap" shall mean up to and including one hundred [~~seventy-five~~] **eighty-four** thousand dollars of the payor's annual income; provided, however, beginning [~~January thirty-first~~] **March first**, two thousand [~~sixteen~~] **twenty** and every two years thereafter, the income cap amount shall increase by the sum of the average annual percentage changes in the consumer price index for all urban consumers (CPI-U) as published by the United States department of labor bureau of labor statistics for the prior two years multiplied by the then income cap and then rounded to the nearest one thousand dollars. The office of court administration shall determine and publish the income cap.

§ 2. Subparagraph 5 of paragraph (b) of subdivision 5-a of part B of section 236 of the domestic relations law, as amended by chapter 269 of the laws of 2015, is amended to read as follows:

(5) "Income cap" shall mean up to and including one hundred [~~seventy-five~~] **eighty-four** thousand dollars of the payor's annual income; provided, however, beginning [~~January thirty-first~~] **March first**, two thousand [~~sixteen~~] **twenty** and every two years thereafter, the income cap amount shall increase by the sum of the average annual percentage changes in the consumer price index for all urban consumers (CPI-U) as published by the United States department of labor bureau of labor statistics for the prior two years multiplied by the then income cap and then rounded to the nearest one thousand dollars. The office of court administration shall determine and publish the income cap.

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

LBD14527-01-8

§ 3. Subparagraph 4 of paragraph (b) of subdivision 6 of part B of section 236 of the domestic relations law, as amended by chapter 269 of the laws of 2015, is amended to read as follows:

(4) "Income cap" shall mean up to and including one hundred [~~seventy-five~~] **eighty-four** thousand dollars of the payor's annual income; provided, however, beginning [~~January thirty-first~~] **March first**, two thousand [~~sixteen~~] **twenty** and every two years thereafter, the income cap amount shall increase by the sum of the average annual percentage changes in the consumer price index for all urban consumers (CPI-U) as published by the United States department of labor bureau of labor statistics for the prior two years multiplied by the then income cap and then rounded to the nearest one thousand dollars. The office of court administration shall determine and publish the income cap.

§ 4. This act shall take effect immediately.