

STATE OF NEW YORK

6658--C

2019-2020 Regular Sessions

IN ASSEMBLY

March 14, 2019

Introduced by M. of A. WOERNER, WALSH, FAHY, WILLIAMS, REYES, HUNTER, GUNTHER, JEAN-PIERRE, SIMON, JAFFEE, GALEF, HYNDMAN, SOLAGES, DAVILA, BUTTENSCHON, SEAWRIGHT, DICKENS, GLICK, McMAHON, M. L. MILLER, NIOU, BLAKE, SIMOTAS, QUART, D'URSO, CUSICK, ASHBY, BRABENEC, WALCZYK, BYRNES, SMULLEN, FRIEND, MONTESANO, GIGLIO, CROUCH, BLANKENBUSH, STEC, LAWRENCE, MANKTELOW, HAWLEY, FINCH, GOODELL, BYRNE, DiPIETRO, MORINELLO, ROZIC, ARROYO, LUPARDO, ROMEO, RAYNOR, WRIGHT, WALKER, HEVESI, COOK, WALLACE, WEPRIN -- read once and referred to the Committee on Judiciary -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported and referred to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, 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 establishing a living allowance for adults with developmental disabilities

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

1 Section 1. The domestic relations law is amended by adding a new
2 section 240-d to read as follows:

3 § 240-d. Support orders for adult dependent children. 1. Notwith-
4 standing any other law, parents or kinship caregivers of an adult child
5 under the age of twenty-six are chargeable with support of such individ-
6 ual provided such individual is diagnosed with a developmental disabili-
7 ty as defined under subdivision twenty-two of section 1.03 of the mental
8 hygiene law.

9 2. Upon petition brought by the parent or kinship caregiver of an
10 adult child with a disability, the court shall make its award for
11 support for an adult child with a developmental disability in accordance
12 with the provisions of subdivision one-b of section two hundred forty of

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

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1 this article. In addition to the provisions of subdivision one-b of
2 section two hundred forty of this article, the court may consider wheth-
3 er the financial responsibility of caring for the individual has been
4 unreasonably placed on one parent when determining the child support
5 obligation. The duration of time the court may use when considering this
6 factor shall be limited to the time period from when the child turned
7 twenty-one until the child turns twenty-six. If a child support order
8 ended at the age of eighteen then such time period shall be from when
9 the child turned eighteen until the child turns twenty-six.

10 3. The court has jurisdiction to determine proceedings brought by
11 petition and order to show cause, for the determination of support of
12 adult dependent children, as well as to enforce or modify orders or
13 judgments.

14 4. The court shall have discretion to order the payor party to make
15 support payments either directly to the New York achieving a better life
16 experience (NY ABLE) savings program trust fund or directly to a third
17 party, provided the funds are used to pay for qualified disability
18 expenses.

19 5. Except where inconsistent with this section, all provisions of this
20 article relating to orders of child support shall apply to all orders of
21 support for adult children with developmental disabilities.

22 § 2. The family court act is amended by adding a new section 413-b to
23 read as follows:

24 § 413-b. Support orders for adult dependent children. 1. Notwith-
25 standing any other law, parents or kinship caregivers of an adult child
26 under the age of twenty-six are chargeable with support of such individ-
27 ual provided such individual is diagnosed with a developmental disabili-
28 ty as defined under subdivision twenty-two of section 1.03 of the mental
29 hygiene law.

30 2. Upon petition brought by the parent or kinship caregiver of an
31 adult child with a disability, the court shall make its award for
32 support for an adult child with a developmental disability in accordance
33 with the provisions of subdivision one of section four hundred thirteen
34 of this part. In addition to the provisions of subdivision one of
35 section four hundred thirteen of this part, the court may consider
36 whether the financial responsibility of caring for the individual has
37 been unreasonably placed on one parent when determining the child
38 support obligation. The duration of time the court may use when consid-
39 ering this factor shall be limited to the time period from when the
40 child turned twenty-one until the child turns twenty-six. If a child
41 support order ended at the age of eighteen then such time period shall
42 be from when the child turned eighteen until the child turns twenty-six.

43 3. The court has jurisdiction to determine proceedings brought by
44 petition and order to show cause, for the determination of support of
45 adult dependent children, as well as to enforce or modify orders or
46 judgments.

47 4. The court shall have discretion to order the payor party to make
48 support payments either directly to the New York achieving a better life
49 experience (NY ABLE) savings program trust fund or directly to a third
50 party, provided the funds are used to pay for qualified disability
51 expenses.

52 5. Except where inconsistent with this section, all provisions of this
53 article relating to orders of child support shall apply to all orders of
54 support for adult children with developmental disabilities.

55 § 3. This act shall take effect immediately.