

# STATE OF NEW YORK

5515

2019-2020 Regular Sessions

## IN SENATE

May 3, 2019

Introduced by Sen. MONTGOMERY -- (at request of the Office of Court Administration) -- read twice and ordered printed, and when printed to be committed 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 and amount of the spousal maintenance cap

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

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

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

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

17 (5) "Income cap" shall mean up to and including one hundred [~~seventy-~~  
18 ~~five~~] eighty-four thousand dollars of the payor's annual income;  
19 provided, however, beginning [~~January thirty-first~~] March first, two  
20 thousand [~~sixteen~~] twenty and every two years thereafter, the income cap  
21 amount shall increase by the sum of the average annual percentage chang-  
22 es in the consumer price index for all urban consumers (CPI-U) as  
23 published by the United States department of labor bureau of labor

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

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1 statistics for the prior two years multiplied by the then income cap and  
2 then rounded to the nearest one thousand dollars. The office of court  
3 administration shall determine and publish the income cap.

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

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

17 § 4. This act shall take effect immediately.