

# STATE OF NEW YORK

4809

2019-2020 Regular Sessions

## IN SENATE

March 26, 2019

Introduced by Sen. PERSAUD -- read twice and ordered printed, and when printed to be committed to the Committee on Social Services

AN ACT to amend the social services law, in relation to any unearned income of a child in certain circumstances

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

1 Section 1. Paragraph (a) of subdivision 8 of section 131-a of the  
2 social services law is amended by adding a new subparagraph (ix) to read  
3 as follows:

4 (ix) any unearned income of a child when the parent or non-parent  
5 caregiver chooses to exclude such child from the public assistance  
6 household pursuant to subdivision one of section one hundred  
7 thirty-one-c of this article.

8 § 2. The section heading of section 131-c of the social services law,  
9 as added by chapter 42 of the laws of 1985, is amended to read as  
10 follows:

11 Inclusion of parents [~~and siblings~~] of a minor in the public assist-  
12 ance household.

13 § 3. Subdivision 1 of section 131-c of the social services law, as  
14 added by chapter 42 of the laws of 1985, is amended to read as follows:

15 1. For the purposes of determining eligibility for and the amount of  
16 assistance payable, the social services district shall, when a minor is  
17 named as an applicant for public assistance, require that his or her  
18 parents [~~and minor brothers and sisters~~] also apply for assistance and  
19 be included in the household for purposes of determining eligibility and  
20 grant amounts, if such individuals reside in the same dwelling unit as  
21 the minor applying for assistance. Any income of or available for such  
22 parents, [~~brothers and sisters~~] which is not disregarded under subdivi-  
23 sion eight of section one hundred thirty-one-a of this article, shall be  
24 considered available to such household. [~~The provisions of~~] A parent or  
25 non-parent caregiver may choose to exclude any other child or children

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

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1 residing in the same dwelling unit from the public assistance household.  
2 Nothing in this [~~subdivision~~] chapter shall [~~not apply to~~] require indi-  
3 viduals who are recipients of federal supplemental security income bene-  
4 fits, or who receive additional state payments pursuant to this chapter,  
5 or [~~to individuals~~] whose relationship to the minor is that of a broth-  
6 er, sister, half-brother, half-sister, stepbrother [~~or~~], stepsister, or  
7 cousin, or [~~to~~] any other individuals whose needs are excluded pursuant  
8 to department regulations consistent with federal law and regulations,  
9 to be included as part of the public assistance household.  
10 § 4. This act shall take effect immediately.