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:

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

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

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

Inclusion of parents [~~and siblings~~] of a minor in the public assistance household.

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

1. For the purposes of determining eligibility for and the amount of assistance payable, the social services district shall, when a minor is named as an applicant for public assistance, require that his or her parents [~~and minor brothers and sisters~~] also apply for assistance and be included in the household for purposes of determining eligibility and grant amounts, if such individuals reside in the same dwelling unit as the minor applying for assistance. Any income of or available for such parents, [~~brothers and sisters~~] which is not disregarded under subdivision eight of section one hundred thirty-one-a of this article, shall be considered available to such household. [~~The provisions of~~] **A parent or 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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residing in the same dwelling unit from the public assistance household. Nothing in this [~~subdivision~~] **chapter** shall [~~not apply to~~] **require** individuals who are recipients of federal supplemental security income benefits**,** or **who receive** additional state payments pursuant to this chapter, or [~~to individuals~~] whose relationship to the minor is that of **a brother, sister, half-brother, half-sister,** stepbrother [~~or~~]**,** stepsister, **or cousin,** or [~~to~~] any other individuals whose needs are excluded pursuant to department regulations consistent with federal law and regulations**, to be included as part of the public assistance household**.

§ 4. This act shall take effect immediately.