STATE OF NEW YORK

1128

2021-2022 Regular Sessions

IN ASSEMBLY

January 7, 2021

Introduced by M. of A. BYRNES, DeSTEFANO, MORINELLO, SMULLEN, B. MILLER, SAYEGH -- Multi-Sponsored by -- M. of A. BLANKENBUSH, TAGUE -- read once and referred to the Committee on Judiciary

AN ACT to amend the domestic relations law, in relation to allowing for no fault separation

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

Section 1. Section 200 of the domestic relations law is amended by adding a new subdivision 6 to read as follows:

6. The relationship between husband and wife has broken down irretrievably for a period of at least six months, provided that one party has so stated under oath. No action for separation shall be maintained under this subdivision unless and until the economic issues of the payment or waiver of spousal support, the payment of child support, the payment of counsel and experts' fees and expenses as well as the custody and visitation with the infant children of the marriage have been resolved by the parties, or determined by the court and incorporated into the action.

§ 2. This act shall take effect on the sixtieth day after it shall have become a law and shall apply to matrimonial actions commenced on or after such effective date.

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

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