

STATE OF NEW YORK

8841

IN ASSEMBLY

January 13, 2022

Introduced by M. of A. WOERNER -- read once and referred to the Committee on Judiciary

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. Subdivision 5 of section 240-d of the domestic relations
2 law, as added by a chapter of the laws of 2021 amending the domestic
3 relations law and the family court act relating to establishing a living
4 allowance for adults with developmental disabilities, as proposed in
5 legislative bills numbers S. 4467-B and A. 898-B, is amended and a new
6 subdivision 6 is added to read as follows:

7 5. Except where inconsistent with this section, all provisions of this
8 article relating to orders of child support shall apply to all orders of
9 support for adults with developmental disabilities; provided, however,
10 that such orders shall not be eligible for services pursuant to section
11 one hundred eleven-g of the social services law.

12 6. A determination made pursuant to this section that the person is or
13 is not developmentally disabled, as defined in subdivision twenty-two of
14 section 1.03 of the mental hygiene law, shall not be binding on the
15 state, a local government or the person for any other purpose, including
16 determinations of eligibility for services authorized by the office for
17 people with developmental disabilities.

18 § 2. Subdivision 5 of section 413-b of the family court act, as added
19 by a chapter of the laws of 2021 amending the domestic relations law and
20 the family court act relating to establishing a living allowance for
21 adults with developmental disabilities, as proposed in legislative bills
22 numbers S. 4467-B and A. 898-B, is amended and a new subdivision 6 is
23 added to read as follows:

24 5. Except where inconsistent with this section, all provisions of this
25 article relating to orders of child support shall apply to all orders of
26 support for adults with developmental disabilities; provided, however,

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

LBD08323-05-2

1 that such orders shall not be eligible for services pursuant to section
2 one hundred eleven-g of the social services law.

3 6. A determination made pursuant to this section that the person is or
4 is not developmentally disabled, as defined in subdivision twenty-two of
5 section 1.03 of the mental hygiene law, shall not be binding on the
6 state, a local government or the person for any other purpose, including
7 determinations of eligibility for services authorized by the office for
8 people with developmental disabilities.

9 § 3. This act shall take effect on the same date and in the same
10 manner as a chapter of the laws of 2021 amending the domestic relations
11 law and the family court act relating to establishing a living allowance
12 for adults with developmental disabilities, as proposed in legislative
13 bills numbers S. 4467-B and A. 898-B, takes effect.