STATE OF NEW YORK

8394

2021-2022 Regular Sessions

IN ASSEMBLY

October 20, 2021

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

AN ACT to amend the family court act, in relation to issuing temporary spousal support

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

Section 1. The section heading and subdivision 4 of section 828 of the family court act, the section heading as amended by chapter 335 of the laws of 2019 and subdivision 4 as added by chapter 222 of the laws of 1994, are amended to read as follows:

Temporary order of protection; temporary orders for child support and spousal [~~maintenance~~] **support**.

4. Notwithstanding the provisions of section eight hundred seventeen of this article the court may, together with a temporary order of protection issued pursuant to this section, issue an order for temporary child support **and/or temporary spousal support**, in an amount sufficient to meet the needs of the child **and/or spouse**, without a showing of immediate or emergency need. The court shall make an order for temporary child support **and/or temporary spousal support** notwithstanding that information with respect to income and assets of the respondent may be unavailable. Where such information is available, the court may make an award for temporary child support pursuant to the formula set forth in subdivision one of section four hundred thirteen of this act **and for temporary spousal support pursuant to the formula set forth in subdivision six of section two hundred thirty-six of the domestic relations law**. An order making such award shall be deemed to have been issued pursuant to article four of this act. Upon making an order for temporary child support pursuant to this subdivision, the court shall advise the petitioner of the availability of child support enforcement services by the support collection unit of the local department of social services, to enforce the temporary order and to assist in securing continued child

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

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support, and shall set the support matter down for further proceedings in accordance with article four of this act.

Where the court determines that the respondent has employer-provided medical insurance, the court may further direct, as part of an order of temporary **child** support under this subdivision, that a medical support execution be issued and served upon the respondent's employer as provided for in section fifty-two hundred forty-one of the civil practice law and rules.

§ 2. This act shall take effect on the ninetieth day after it shall have become a law.