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:

Section 1. Subdivision 5 of section 240-d of the domestic relations law, as added by a chapter of the laws of 2021 amending the domestic relations law and the family court act relating to establishing a living allowance for adults with developmental disabilities, as proposed in legislative bills numbers S. 4467-B and A. 898-B, is amended and a new subdivision 6 is added to read as follows:

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

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

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

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

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

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

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

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