STATE OF NEW YORK

8924

IN ASSEMBLY

January 19, 2022

Introduced by M. of A. WEPRIN -- 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 child support for children attending a college ROTC program, a military college, a military preparatory school or one of the United States military academies

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

Section 1. Paragraph f of subdivision 1 of part B of section 236 of the domestic relations law, as amended by chapter 281 of the laws of 1980, is amended to read as follows:

f. The term "child support" shall mean a sum paid pursuant to court order or decree by either or both parents or pursuant to a valid agreement between the parties for care, maintenance and education of any unemancipated child under the age of twenty-one years. **For purposes of this paragraph, a child under the age of twenty-one years who attends a college reserve officers' training corps (ROTC) program, a military college, a military preparatory school or one of the United States military academies shall not be deemed emancipated solely for attending such educational institution.**

§ 2. Subparagraph 2 of paragraph (b) of subdivision 1-b of section 240 of the domestic relations law, as added by chapter 567 of the laws of 1989, is amended to read as follows:

(2) "Child support" shall mean a sum to be paid pursuant to court order or decree by either or both parents or pursuant to a valid agreement between the parties for care, maintenance and education of any unemancipated child under the age of twenty-one years. **For purposes of this subparagraph, a child under the age of twenty-one years who attends a college reserve officers' training corps (ROTC) program, a military college, a military preparatory school or one of the United States military academies shall not be deemed emancipated solely for attending such educational institution.**

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

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§ 3. Subparagraph 2 of paragraph (b) of subdivision 1 of section 413 of the family court act, as amended by chapter 567 of the laws of 1989, is amended to read as follows:

(2) "Child support" shall mean a sum to be paid pursuant to court order or decree by either or both parents or pursuant to a valid agreement between the parties for care, maintenance and education of any unemancipated child under the age of twenty-one years. **For purposes of this subparagraph, a child under the age of twenty-one years who attends a college reserve officers' training corps (ROTC) program, a military college, a military preparatory school or one of the United States military academies shall not be deemed emancipated solely for attending such educational institution.**

§ 4. This act shall take effect immediately.