STATE OF NEW YORK

2586--A

Cal. No. 427

2021-2022 Regular Sessions

IN SENATE

January 22, 2021

Introduced by Sens. BRISPORT, SALAZAR -- read twice and ordered printed, and when printed to be committed to the Committee on Children and Families -- recommitted to the Committee on Children and Families in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the social services law, in relation to waiving the requirement of establishing paternity or a child support order for certain applicants or recipients of aid to dependent children

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

Section 1. Section 349-b of the social services law is amended by adding a new subdivision 3 to read as follows:

3. When the applicant or recipient has established good cause to refuse to cooperate, the social services district shall take no action to establish paternity or a child support order.

§ 2. Subdivision 6 of section 158 of the social services law, as amended by section 4 of part Z of chapter 57 of the laws of 2008, is amended to read as follows:

6. In addition to other eligibility requirements, each person who is applying for or receiving assistance under this title, and who is otherwise eligible for assistance under this title, shall be required, as a further condition of eligibility for such assistance:

(i) to assign to the state and the social services district any rights to support that accrue during the period that a family receives safety net assistance from any other person as such applicant or recipient may have either on their own behalf or on behalf of any other family member for whom the applicant or recipient is applying for or receiving assistance; [~~and~~]

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

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(ii) to cooperate with the state and the social services official, in accordance with standards established by regulations of the office of temporary and disability assistance consistent with federal law and regulations, in establishing the paternity of a child born out-of-wedlock for whom assistance under this title is being applied for or received, in their efforts to locate any absent parent and in obtaining support payments or any other payments or property due such person and due each child for whom assistance under this title is being applied for or received, except that an applicant or recipient shall not be required to cooperate in such efforts in cases in which the social services official has determined, in accordance with criteria, including the best interests of the child, as established by regulations of the office of temporary and disability assistance consistent with federal law and regulations, that such applicant or recipient has good cause to refuse to cooperate. Each social services district shall inform applicants for and recipients of safety net assistance required to cooperate with the state and local social services officials pursuant to the provisions of this paragraph, that where a proceeding to establish paternity has been filed, and the allegation of paternity has been denied by the respondent, there shall be a stay of all paternity proceedings and related social services district proceedings until sixty days after the birth of the child. Such applicants and recipients shall also be informed that public assistance and care shall not be denied during a stay on the basis of refusal to cooperate pursuant to the provisions of this paragraph[~~.~~]**; and**

(iii) when the applicant or recipient has established good cause to refuse to cooperate, the social services district shall take no action to establish paternity or a child support order.

§ 3. This act shall take effect immediately.