STATE OF NEW YORK

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2586--A

Cal. No. 427

2021-2022 Regular Sessions

IN SENATE

January 22, 2021
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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 Assem-
   bly, do enact as follows:

1   Section 1. Section 349-b of the social services law is amended by
2   adding a new subdivision 3 to read as follows:
3   **3. When the applicant or recipient has established good cause to**
4   **refuse to cooperate, the social services district shall take no action**
5   **to establish paternity or a child support order.**
6   § 2. Subdivision 6 of section 158 of the social services law, as
7   amended by section 4 of part Z of chapter 57 of the laws of 2008, is
8   amended to read as follows:
9   6. In addition to other eligibility requirements, each person who is
10 applying for or receiving assistance under this title, and who is other-
11 wise eligible for assistance under this title, shall be required, as a
12 further condition of eligibility for such assistance:
13   (i) to assign to the state and the social services district any rights
14 to support that accrue during the period that a family receives safety
15 net assistance from any other person as such applicant or recipient may
16 have either on their own behalf or on behalf of any other family member
17 for whom the applicant or recipient is applying for or receiving assist-
18 ance; [**and**]

   EXPLANATION--Matter in **_italics_** (underscored) is new; matter in brackets
                    [ ] is old law to be omitted.
                                                          LBD08758-03-2

 1   (ii) to cooperate with the state and the social services official, in
 2   accordance with standards established by regulations of the office of
 3   temporary and disability assistance consistent with federal law and
 4   regulations, in establishing the paternity of a child born out-of-wed-
 5   lock for whom assistance under this title is being applied for or
 6   received, in their efforts to locate any absent parent and in obtaining
 7   support payments or any other payments or property due such person and
 8   due each child for whom assistance under this title is being applied for
 9   or received, except that an applicant or recipient shall not be required
10   to cooperate in such efforts in cases in which the social services offi-
11   cial has determined, in accordance with criteria, including the best
12   interests of the child, as established by regulations of the office of
13   temporary and disability assistance consistent with federal law and
14   regulations, that such applicant or recipient has good cause to refuse
15   to cooperate. Each social services district shall inform applicants for
16   and recipients of safety net assistance required to cooperate with the
17   state and local social services officials pursuant to the provisions of
18   this paragraph, that where a proceeding to establish paternity has been
19   filed, and the allegation of paternity has been denied by the respond-
20   ent, there shall be a stay of all paternity proceedings and related
21   social services district proceedings until sixty days after the birth of
22   the child. Such applicants and recipients shall also be informed that
23   public assistance and care shall not be denied during a stay on the
24   basis of refusal to cooperate pursuant to the provisions of this para-
25   graph[.]**; and**
26   **(iii) when the applicant or recipient has established good cause to**
27   **refuse to cooperate, the social services district shall take no action**
28   **to establish paternity or a child support order.**
29   § 3. This act shall take effect immediately.