

# STATE OF NEW YORK

1522

2023-2024 Regular Sessions

## IN ASSEMBLY

January 17, 2023

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:

1 Section 1. Paragraph f of subdivision 1 of part B of section 236 of  
2 the domestic relations law, as amended by chapter 281 of the laws of  
3 1980, is amended to read as follows:

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

13 § 2. Subparagraph 2 of paragraph (b) of subdivision 1-b of section 240  
14 of the domestic relations law, as added by chapter 567 of the laws of  
15 1989, is amended to read as follows:

16 (2) "Child support" shall mean a sum to be paid pursuant to court  
17 order or decree by either or both parents or pursuant to a valid agree-  
18 ment between the parties for care, maintenance and education of any  
19 unemancipated child under the age of twenty-one years. For purposes of  
20 this subparagraph, a child under the age of twenty-one years who attends  
21 a college reserve officers' training corps (ROTC) program, a military  
22 college, a military preparatory school or one of the United States mili-

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

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1 tary academies shall not be deemed emancipated solely for attending such  
2 educational institution.

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

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

15 § 4. This act shall take effect immediately.