

STATE OF NEW YORK

2443

2023-2024 Regular Sessions

IN ASSEMBLY

January 26, 2023

Introduced by M. of A. HEVESI -- read once and referred to the Committee on Social Services

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:

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~~]

19 (ii) to cooperate with the state and the social services official, in
20 accordance with standards established by regulations of the office of
21 temporary and disability assistance consistent with federal law and
22 regulations, in establishing the paternity of a child born out-of-wed-
23 lock for whom assistance under this title is being applied for or
24 received, in their efforts to locate any absent parent and in obtaining

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

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1 support payments or any other payments or property due such person and
2 due each child for whom assistance under this title is being applied for
3 or received, except that an applicant or recipient shall not be required
4 to cooperate in such efforts in cases in which the social services offi-
5 cial has determined, in accordance with criteria, including the best
6 interests of the child, as established by regulations of the office of
7 temporary and disability assistance consistent with federal law and
8 regulations, that such applicant or recipient has good cause to refuse
9 to cooperate. Each social services district shall inform applicants for
10 and recipients of safety net assistance required to cooperate with the
11 state and local social services officials pursuant to the provisions of
12 this paragraph, that where a proceeding to establish paternity has been
13 filed, and the allegation of paternity has been denied by the respond-
14 ent, there shall be a stay of all paternity proceedings and related
15 social services district proceedings until sixty days after the birth of
16 the child. Such applicants and recipients shall also be informed that
17 public assistance and care shall not be denied during a stay on the
18 basis of refusal to cooperate pursuant to the provisions of this para-
19 graph[-]; and

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

23 § 3. This act shall take effect immediately.