

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:

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 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.