STATE OF NEW YORK

2363

2023-2024 Regular Sessions

IN ASSEMBLY

January 25, 2023

Introduced by M. of A. NORRIS -- read once and referred to the Committee on Judiciary

AN ACT to amend the family court act, in relation to orders of sequestration on failure to obey a support order

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

Section 1. Section 457 of the family court act, as amended by chapter 721 of the laws of 1966, is amended to read as follows:

§ 457. Order of sequestration on failure to obey support order. If an order of support is made under this article and the respondent has failed to obey it [~~and either leaves or threatens to leave the state~~], the court on application may issue an order of sequestration of his **or her** property within the state, providing that such property may be taken, sequestered and applied in like manner as is provided in section four hundred twenty-nine.

§ 2. Section 429 of the family court act, as amended by chapter 281 of the laws of 1980, is amended to read as follows:

§ 429. Sequestration of respondent's property. [~~Where in a proceeding under this article it appears to the court that the respondent is not within the state, or cannot be found therein, or is concealing himself or herself therein, so that process cannot be personally served upon the respondent, the~~] **The** court may at any time and from time to time make any order or orders without notice directing the sequestration of [~~his or her~~] **a respondent's** property, both real and personal and whether tangible or intangible, within the state, and may appoint a receiver thereof, or by injunction or otherwise take the same into its possession and control. The property thus sequestered and the income therefrom may be applied in whole or in part and from time to time, under the direction of the court and as justice may require, to the payment of such sum or sums as the court may deem it proper to award, by order, and during the pendency of the proceeding or at the termination thereof, for the

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

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support, education or maintenance of any of the **respondent's** children [~~of a marriage~~], or for the support of a spouse, or for his or her expenses in bringing and carrying on said proceeding; and if the rents and profits of the real estate, together with the other property so sequestered, be insufficient to pay the sums of money required, the court, upon such terms and conditions as it may prescribe, may direct the mortgage or sale of sufficient of said real estate to pay such sums. The court may appoint the petitioning [~~spouse~~] **party** receiver or sequestrator in such cases. [~~The court may authorize such spouse to use and occupy, free of any liability for rent or use and occupation or otherwise, any house or other suitable property of the respondent spouse as a dwelling for himself or herself with or without the children of the marriage, and may likewise turn over to the petitioning spouse for the use of such spouse with or without the children of the marriage any chattel or chattels of the respondent spouse.~~] The relief herein provided for is in addition to any and every other remedy to which a spouse may be entitled under the law.

§ 3. This act shall take effect immediately.