STATE OF NEW YORK

4027--A

2023-2024 Regular Sessions

IN ASSEMBLY

February 9, 2023

Introduced by M. of A. KIM, WILLIAMS, O'DONNELL, BENDETT, HEVESI, SIMON, STECK -- Multi-Sponsored by -- M. of A. K. BROWN -- read once and referred to the Committee on Judiciary -- recommitted to the Committee on Judiciary in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the family court act, in relation to referrals for child support enforcement for foster care maintenance payments

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

Section 1. Subdivision 2 of section 413 of the family court act, as added by chapter 745 of the laws of 1984, is amended to read as follows:

2. **(a)** Nothing in this article shall impose any liability upon a person to support the adopted child of [~~his or her~~] **such person's** spouse, if such child was adopted after the adopting spouse is living separate and apart from the non-adopting spouse pursuant to a legally recognizable separation agreement or decree under the domestic relations law. Such liability shall not be imposed for so long as the spouses remain separate and apart after the adoption.

(b) Nothing in this article shall impose any liability upon a person to support a child who is placed in foster care pursuant to an order issued by a court of competent jurisdiction, pursuant to any application for support under this article except where a court has found a child was subjected to aggravated circumstances as defined in subdivision (j) of section one thousand twelve of this chapter.

(c) Notwithstanding paragraph (b) of this subdivision, such liability shall not be imposed if it will adversely affect the health, safety or welfare of the child on whose behalf such payments are to be made or other persons in the child's household or will adversely affect the length of the child's placement or impair the ability of the child to return home when discharged from foster care.

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

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(d) No county or local social services district shall cause a referral to be sent for the purpose of commencing collection of child support for a child placed in foster care unless such county or district has reason to believe liability may be imposed under paragraph (b) of this subdivision.

§ 2. The office of children and family services shall promulgate any rules and regulations necessary to carry out the provisions of this act. The office of temporary and disability assistance shall promulgate any rules and regulations necessary to carry out the provisions of this act.

§ 3. This act shall take effect on the ninetieth day after it shall have become a law.