

STATE OF NEW YORK

8389

2025-2026 Regular Sessions

IN ASSEMBLY

May 13, 2025

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

AN ACT to amend the domestic relations law, the social services law and
the family court act, in relation to the calculation of child support;
and to repeal certain provisions of the domestic relations law and the
family court act relating thereto

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

1 Section 1. Subparagraph 3 of paragraph (b) of subdivision 1 of section
2 240 of the domestic relations law, as added by chapter 215 of the laws
3 of 2009, is amended to read as follows:
4 (3) When the person on whose behalf the petition is brought is a child
5 in accordance with paragraph (c) of this subdivision, health insurance
6 benefits shall be considered "reasonable in cost" if the cost of health
7 insurance benefits does not exceed five percent of [~~the combined~~
8 ~~parental~~] either parent's gross income. The cost of health insurance
9 benefits shall refer to the cost of the premium and deductible attribut-
10 able to adding the child or children to existing coverage or the differ-
11 ence between such costs for self-only and family coverage. Provided,
12 however, the presumption that the health insurance benefits are reason-
13 able in cost may be rebutted upon a finding that the cost is unjust or
14 inappropriate which finding shall be based on the circumstances of the
15 case, the cost and comprehensiveness of the health insurance benefits
16 for which the child or children may otherwise be eligible, and the best
17 interests of the child or children. In no instance shall health insur-
18 ance benefits be considered "reasonable in cost" if a parent's share of
19 the cost of extending such coverage would reduce the income of that
20 parent below the self-support reserve. Health insurance benefits are
21 "reasonably accessible" if the child lives within the geographic area
22 covered by the plan or lives within thirty minutes or thirty miles of
23 travel time from the child's residence to the services covered by the

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

LBD11275-02-5

1 health insurance benefits or through benefits provided under a recip-
2 cal agreement; provided, however, this presumption may be rebutted for
3 good cause shown including, but not limited to, the special health needs
4 of the child. The court shall set forth such finding and the reasons
5 therefor in the order of support.

6 § 2. Subparagraphs 2 and 3 of paragraph (b) of subdivision 1-b of
7 section 240 of the domestic relations law, as added by chapter 567 of
8 the laws of 1989, are amended to read as follows:

9 (2) "Child support" shall mean a sum to be paid pursuant to court
10 order or decree by either or both parents or pursuant to a valid agree-
11 ment between the parties for care, maintenance and education of any
12 unemancipated child under the age of [~~twenty-one~~] eighteen years.

13 (3) "Child support percentage" shall mean:

14 (i) seventeen percent of the [~~combined-parental~~] non-custodial
15 parent's income for one child;

16 (ii) twenty-five percent of the [~~combined-parental~~] non-custodial
17 parent's income for two children;

18 (iii) twenty-nine percent of the [~~combined-parental~~] non-custodial
19 parent's income for three children;

20 (iv) thirty-one percent of the [~~combined-parental~~] non-custodial
21 parent's income for four children; and

22 (v) no less than thirty-five percent of the [~~combined-parental~~] non-
23 custodial parent's income for five or more children.

24 § 3. Subparagraph 4 of paragraph (b) of subdivision 1-b of section 240
25 of the domestic relations law is REPEALED.

26 § 4. Items (B) and (C) of clause (iv) of subparagraph 5 of paragraph
27 (b) of subdivision 1-b of section 240 of the domestic relations law are
28 REPEALED.

29 § 5. Clause (vii) of subparagraph 5 of paragraph (b) of subdivision
30 1-b of section 240 of the domestic relations law, as added by chapter
31 567 of the laws of 1989, subclause (C) as amended by chapter 387 of the
32 laws of 2015, is amended to read as follows:

33 (vii) the following shall be deducted from income prior to applying
34 the provisions of paragraph (c) of this subdivision:

35 (A) unreimbursed employee business expenses except to the extent said
36 expenses reduce personal expenditures,

37 (B) alimony or maintenance actually paid to a spouse not a party to
38 the instant action pursuant to court order or validly executed written
39 agreement,

40 (C) alimony or maintenance actually paid or to be paid to a spouse who
41 is a party to the instant action pursuant to an existing court order or
42 contained in the order to be entered by the court, or pursuant to a
43 validly executed written agreement, in which event the order or agree-
44 ment shall provide for a specific adjustment, in accordance with this
45 subdivision, in the amount of child support payable upon the termination
46 of alimony or maintenance to such spouse; provided, however, that the
47 specific adjustment in the amount of child support is without prejudice
48 to either party's right to seek a modification in accordance with
49 subparagraph two of paragraph b of subdivision nine of part B of section
50 two hundred thirty-six of this article. In an action or proceeding to
51 modify an order of child support, including an order incorporating with-
52 out merging an agreement, issued prior to the effective date of this
53 subclause, the provisions of this subclause shall not, by themselves,
54 constitute a substantial change of circumstances pursuant to paragraph b
55 of subdivision nine of part B of section two hundred thirty-six of this
56 article[~~+~~].

1 (D) child support actually paid pursuant to court order or written
 2 agreement on behalf of any child for whom the parent has a legal duty of
 3 support and who is not subject to the instant action,

4 (E) public assistance,

5 (F) supplemental security income,

6 (G) New York city or Yonkers income or earnings taxes actually paid,

7 [~~and~~]

8 (H) federal insurance contributions act (FICA) taxes actually paid[~~+~~].

9 (I) New York state income or earnings taxes actually paid,

10 (J) federal income or earnings taxes actually paid, and

11 (K) health insurance costs actually paid.

12 § 6. Subparagraphs 1, 2, 3 and 4 of paragraph (c) of subdivision 1-b
 13 of section 240 of the domestic relations law, as added by chapter 567 of
 14 the laws of 1989, subparagraph 2 as amended by chapter 343 of the laws
 15 of 2009, are amended to read as follows:

16 (1) The court shall determine the [~~combined parental~~] non-custodial
 17 parent's income.

18 (2) The court shall multiply the [~~combined parental~~] non-custodial
 19 parent's income up to the amount set forth in paragraph (b) of subdivi-
 20 sion two of section one hundred eleven-i of the social services law by
 21 the appropriate child support percentage [~~and such amount shall be~~
 22 ~~prorated in the same proportion as each parent's income is to the~~
 23 ~~combined parental income~~].

24 (3) [~~Where the combined parental~~] The non-custodial parent's income
 25 [~~exceeds~~] shall be capped at the dollar amount set forth in subparagraph
 26 two of this paragraph[~~, the~~]. The court [~~shall~~] may determine the
 27 amount of child support for the amount of the [~~combined parental~~] non-
 28 custodial parent's income in excess of such dollar amount through
 29 consideration of the factors set forth in paragraph (f) of this subdivi-
 30 sion and/or the child support percentage.

31 (4) Where the custodial parent is working, or receiving elementary or
 32 secondary education, or higher education or vocational training which
 33 the court determines will lead to employment, and incurs child care
 34 expenses as a result thereof, the court shall determine reasonable child
 35 care expenses and such child care expenses, where incurred, shall be
 36 prorated in the [~~same proportion as~~] amount of each parent's income [~~is~~
 37 ~~to the combined parental income~~]. Each parent's pro rata share of the
 38 child care expenses shall be separately stated and added to the sum of
 39 subparagraphs two and three of this paragraph.

40 § 7. Paragraph (g) of subdivision 1-b of section 240 of the domestic
 41 relations law, as amended by chapter 436 of the laws of 2011, is amended
 42 to read as follows:

43 (g) Where the court finds that the non-custodial parent's [~~pro-rata~~
 44 ~~share of the~~] basic child support obligation is unjust or inappropriate,
 45 the court shall order the non-custodial parent to pay such amount of
 46 child support as the court finds just and appropriate, and the court
 47 shall set forth, in a written order, the factors it considered; the
 48 amount of [~~each party's pro-rata share of~~] the non-custodial parent's
 49 basic child support obligation; and the reasons that the court did not
 50 order the basic child support obligation. Such written order may not be
 51 waived by either party or counsel; provided, however, and notwithstand-
 52 ing any other provision of law, the court shall not find that the non-
 53 custodial parent's [~~pro-rata~~] share of such obligation is unjust or
 54 inappropriate on the basis that such share exceeds the portion of a
 55 public assistance grant which is attributable to a child or children.
 56 Where the non-custodial parent's income is less than or equal to the

1 poverty income guidelines amount for a single person as reported by the
2 federal department of health and human services, unpaid child support
3 arrears in excess of five hundred dollars shall not accrue.

4 § 8. Paragraphs (a) and (b) of subdivision 2 of section 111-i of the
5 social services law, paragraph (a) as amended by chapter 343 of the laws
6 of 2009 and paragraph (b) as amended by chapter 347 of the laws of 2015,
7 are amended to read as follows:

8 (a) The commissioner shall publish annually a child support standards
9 chart. The child support standards chart shall include: (i) the revised
10 poverty income guideline for a single person as reported by the federal
11 department of health and human services; (ii) the revised self-support
12 reserved as defined in section two hundred forty of the domestic
13 relations law; (iii) the dollar amounts yielded through application of
14 the child support percentage as defined in section two hundred forty of
15 the domestic relations law and section four hundred thirteen of the
16 family court act; and (iv) the [~~combined-parental~~] non-custodial
17 parent's income amount.

18 (b) The [~~combined-parental~~] non-custodial parent's income amount to be
19 reported in the child support standards chart and utilized in calculat-
20 ing orders of child support in accordance with subparagraph two of para-
21 graph (c) of subdivision one of section four hundred thirteen of the
22 family court act and subparagraph two of paragraph (c) of subdivision
23 one-b of section two hundred forty of the domestic relations law as of
24 January thirty-first, two thousand fourteen shall be one hundred forty-
25 one thousand dollars; provided, however, beginning March first, two
26 thousand sixteen and every two years thereafter, the [~~combined-parental~~]
27 non-custodial parent's income amount shall increase by the sum of the
28 average annual percentage changes in the consumer price index for all
29 urban consumers (CPI-U) as published by the United States department of
30 labor bureau of labor statistics for the prior two years multiplied by
31 the current [~~combined-parental~~] non-custodial parent's income amount and
32 then rounded to the nearest one thousand dollars.

33 § 9. Subparagraphs 2 and 3 of paragraph (b) of subdivision 1 of
34 section 413 of the family court act, as amended by chapter 567 of the
35 laws of 1989, are amended to read as follows:

36 (2) "Child support" shall mean a sum to be paid pursuant to court
37 order or decree by either or both parents or pursuant to a valid agree-
38 ment between the parties for care, maintenance and education of any
39 unemancipated child under the age of [~~twenty-one~~] eighteen years.

40 (3) "Child support percentage" shall mean:

41 (i) seventeen percent of the [~~combined-parental~~] non-custodial
42 parent's income for one child;

43 (ii) twenty-five percent of the [~~combined-parental~~] non-custodial
44 parent's income for two children;

45 (iii) twenty-nine percent of the [~~combined-parental~~] non-custodial
46 parent's income for three children;

47 (iv) thirty-one percent of the [~~combined-parental~~] non-custodial
48 parent's income for four children; and

49 (v) no less than thirty-five percent of the [~~combined-parental~~] non-
50 custodial parent's income for five or more children.

51 § 10. Subparagraph 4 of paragraph (b) of subdivision 1 of section 413
52 of the family court act is REPEALED.

53 § 11. Subclauses (B) and (C) of clause (iv) of subparagraph 5 of para-
54 graph (b) of subdivision 1 of section 413 of the family court act are
55 REPEALED.

1 § 12. Clause (vii) of subparagraph 5 of paragraph (b) of subdivision 1
 2 of section 413 of the family court act, as amended by chapter 567 of the
 3 laws of 1989, subclause (C) as amended by chapter 387 of the laws of
 4 2015, is amended to read as follows:

5 (vii) the following shall be deducted from income prior to applying
 6 the provisions of paragraph (c) of this subdivision:

7 (A) unreimbursed employee business expenses except to the extent said
 8 expenses reduce personal expenditures,

9 (B) alimony or maintenance actually paid to a spouse not a party to
 10 the instant action pursuant to court order or validly executed written
 11 agreement,

12 (C) alimony or maintenance actually paid or to be paid to a spouse who
 13 is a party to the instant action pursuant to an existing court order or
 14 contained in the order to be entered by the court, or pursuant to a
 15 validly executed written agreement, in which event the order or agree-
 16 ment shall provide for a specific adjustment, in accordance with this
 17 subdivision, in the amount of child support payable upon the termination
 18 of alimony or maintenance to such spouse; provided, however, that the
 19 specific adjustment in the amount of child support is without prejudice
 20 to either party's right to seek a modification in accordance with subdi-
 21 vision three of section four hundred fifty-one of this article. In an
 22 action or proceeding to modify an order of child support, including an
 23 order incorporating without merging an agreement, issued prior to the
 24 effective date of this subclause, the provisions of this subclause shall
 25 not, by themselves, constitute a substantial change of circumstances
 26 pursuant to paragraph (a) of subdivision three of section four hundred
 27 fifty-one of this article[~~+~~].

28 (D) child support actually paid pursuant to court order or written
 29 agreement on behalf of any child for whom the parent has a legal duty of
 30 support and who is not subject to the instant action,

31 (E) public assistance,

32 (F) supplemental security income,

33 (G) New York city or Yonkers income or earnings taxes actually paid,
 34 [~~and~~]

35 (H) federal insurance contributions act (FICA) taxes actually paid[~~+~~].

36 (I) New York state income or earnings taxes actually paid,

37 (J) federal income or earnings taxes actually paid, and

38 (K) health insurance costs actually paid.

39 § 13. Subparagraphs 1, 2, 3 and 4 of paragraph (c) of subdivision 1 of
 40 section 413 of the family court act, as amended by chapter 567 of the
 41 laws of 1989, subparagraph 2 as amended by chapter 343 of the laws of
 42 2009, are amended to read as follows:

43 (1) The court shall determine the [~~combined parental~~] non-custodial
 44 parent's income.

45 (2) The court shall multiply the [~~combined parental~~] non-custodial
 46 parent's income up to the amount set forth in paragraph (b) of subdivi-
 47 sion two of section one hundred eleven-i of the social services law by
 48 the appropriate child support percentage [~~and such amount shall be~~
 49 ~~prorated in the same proportion as each parent's income is to the~~
 50 ~~combined parental income~~].

51 (3) [~~Where the combined parental~~] The non-custodial parent's income
 52 [~~exceeds~~] shall be capped at the dollar amount set forth in subparagraph
 53 two of this paragraph[~~, the~~]. The court [~~shall~~] may determine the amount
 54 of child support for the amount of the [~~combined parental~~] non-custodial
 55 parent's income in excess of such dollar amount through consideration of

1 the factors set forth in paragraph (f) of this subdivision and/or the
2 child support percentage.

3 (4) Where the custodial parent is working, or receiving elementary or
4 secondary education, or higher education or vocational training which
5 the court determines will lead to employment, and incurs child care
6 expenses as a result thereof, the court shall determine reasonable child
7 care expenses and such child care expenses, where incurred, shall be
8 prorated in the [~~same proportion as~~] amount of each parent's income [~~is~~
9 ~~to the combined parental income~~]. Each parent's pro rata share of the
10 child care expenses shall be separately stated and added to the sum of
11 subparagraphs two and three of this paragraph.

12 § 14. Paragraph (g) of subdivision 1 of section 413 of the family
13 court act, as amended by chapter 436 of the laws of 2011, is amended to
14 read as follows:

15 (g) Where the court finds that the non-custodial parent's [~~pro-rata~~
16 ~~share of the~~] basic child support obligation is unjust or inappropriate,
17 the court shall order the non-custodial parent to pay such amount of
18 child support as the court finds just and appropriate, and the court
19 shall set forth, in a written order, the factors it considered; the
20 amount of [~~each party's pro-rata share of~~] the non-custodial parent's
21 basic child support obligation; and the reasons that the court did not
22 order the basic child support obligation. Such written order may not be
23 waived by either party or counsel; provided, however, and notwithstand-
24 ing any other provision of law, including but not limited to section
25 four hundred fifteen of this part, the court shall not find that the
26 non-custodial parent's [~~pro-rata~~] share of such obligation is unjust or
27 inappropriate on the basis that such share exceeds the portion of a
28 public assistance grant which is attributable to a child or children.
29 Where the non-custodial parent's income is less than or equal to the
30 poverty income guidelines amount for a single person as reported by the
31 federal department of health and human services, unpaid child support
32 arrears in excess of five hundred dollars shall not accrue.

33 § 15. This act shall take effect on the one hundred eightieth day
34 after it shall have become a law. Effective immediately, the addition,
35 amendment and/or repeal of any rule or regulation necessary for the
36 implementation of this act on its effective date are authorized to be
37 made and completed on or before such date.