

# STATE OF NEW YORK

1261--A

2025-2026 Regular Sessions

## IN SENATE

January 8, 2025

Introduced by Sen. KRUEGER -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the domestic relations law, in relation to allowing for no fault separation

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

1 Section 1. Subdivisions 5 and 6 of section 170 of the domestic  
2 relations law, subdivision 5 as amended by chapter 835 of the laws of  
3 1970 and subdivision 6 as amended by chapter 801 of the laws of 1971,  
4 are amended to read as follows:

5 (5) The [~~husband and wife~~] spouses have lived apart pursuant to a  
6 decree or judgment of separation for a period of [~~one or more years~~] six  
7 months or more after the granting of such decree or judgment, and satis-  
8 factory proof has been submitted by the plaintiff that [~~he or she~~] such  
9 plaintiff has substantially performed all the terms and conditions of  
10 such decree or judgment.

11 (6) The [~~husband and wife~~] spouses have lived separate and apart  
12 pursuant to a written agreement of separation, subscribed by the parties  
13 thereto and acknowledged or proved in the form required to entitle a  
14 deed to be recorded, for a period of [~~one or more years~~] six months or  
15 more after the execution of such agreement and satisfactory proof has  
16 been submitted by the plaintiff that [~~he or she~~] such plaintiff has  
17 substantially performed all the terms and conditions of such agreement.  
18 Such agreement shall be filed in the office of the clerk of the county  
19 wherein either party resides. In lieu of filing such agreement, either  
20 party to such agreement may file a memorandum of such agreement, which  
21 memorandum shall be similarly subscribed and acknowledged or proved as  
22 was the agreement of separation and shall contain the following informa-  
23 tion: (a) the names and addresses of each of the parties, (b) the date

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

LBD03731-03-5

1 of marriage of the parties, (c) the date of the agreement of separation  
2 and (d) the date of this subscription and acknowledgment or proof of  
3 such agreement of separation.

4 § 2. Section 200 of the domestic relations law is amended by adding a  
5 new subdivision 6 to read as follows:

6 6. The relationship between the spouses has broken down irretrievably  
7 for a period of at least six months, provided that one party has so  
8 stated under oath. No action for separation shall be maintained under  
9 this subdivision unless and until the economic issues of the payment or  
10 waiver of spousal support, the payment of child support, the payment of  
11 counsel and experts' fees and expenses as well as the custody and visi-  
12 tation with the infant children of the marriage have been resolved by  
13 the parties, or determined by the court and incorporated into the  
14 action.

15 § 3. This act shall take effect on the sixtieth day after it shall  
16 have become a law and shall apply to matrimonial actions commenced on or  
17 after such effective date.