STATE OF NEW YORK

10769

IN ASSEMBLY

April 1, 2026

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

AN ACT to amend the estates, powers and trusts law and the labor law, in relation to child performer protections

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

Section 1. Section 7-7.1 of the estates, powers and trusts law, as added by chapter 630 of the laws of 2003, is amended to read as follows:

§ 7-7.1 Child performer trust account

1. Scope. This section applies to contracts pursuant to which a child performer:

(a) is employed or agrees to render artistic or creative services for a fee, either directly or through a third-party individual or personal services corporation (loan-out company), or through an agency or service that provides artistic or creative services (casting agency); and

(b) agrees to purchase, or otherwise secure, sell, lease, or otherwise dispose of literary, musical, or dramatic properties, or use of a person's likeness, voice recording, performance, or story of or incidents in [~~his or her~~] **their** life, either tangible or intangible, or any other rights therein for use in motion pictures, television, the production of sound recordings in any format now known or hereafter devised, the legitimate or living stage, or otherwise in the entertainment field.

2. Establishment of child performer trust account. (a) Employer. Within thirty days following the final day of employment, except when the performance contract is a period longer than thirty days, a child performer's employer is required to transfer [~~fifteen percent~~] **a percentage** of **the child performer's** gross earnings [~~to~~] **in accordance with** the [~~custodian of the child performer's child performer trust account~~] **following tiered structure:**

(i) twenty percent of gross earnings up to and including one hundred thousand dollars;

(ii) twenty-five percent of gross earnings between one hundred thousand one dollars and two hundred fifty thousand dollars; and

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

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(iii) thirty percent of gross earnings exceeding two hundred fifty thousand one dollars.

(b) In any calendar year in which a child performer's gross earnings subject to this section exceeds two hundred fifty thousand one dollars, the custodian shall prepare a written accounting of the child performer trust account, which shall include the child performer's gross earnings from employment subject to this section, any expenses deducted from such earnings, deposits made pursuant to this section, and the balance of the trust account, and shall file such accounting documentation with a court of competent jurisdiction for the purpose of creating a record of the administration of the child performer trust account. A copy of such accounting shall be provided to the child performer's parent or legal guardian and shall be made available to the department of labor upon request. When the employment is longer than thirty days, the employer shall make the required transfer every payroll period. Transfers must conform with part six of this article. The use of an instrument to make the transfer which substantially conforms with section 7-6.9 is sufficient. If the child performer's employer has not been notified within fifteen days of the commencement of employment of the existence of a child performer trust account, or no such account has been established, then the child performer's employer shall transfer such monies together with the child performer's name and last known address to the state comptroller for placement into the child performer's holding fund established in section ninety-nine-k of the state finance law and such monies shall be administered by the state comptroller. Once transfers have been made to the child performer's trust account or the child performer's holding fund, as required by this subdivision, the child performer's employer has no further duty under this section.

[~~(b)~~] (c) Custodian and guardian. Within fifteen days of the commencement of employment the child performer's guardian or custodian must establish a child performer trust account in accordance with part six of this article, unless an account has previously been established. Once the child performer trust account has been established the child performer's guardian or custodian shall notify the child performer's employer of the existence of the account and any additional information required to make transfers. The custodian of the account shall promptly notify the child performer's employer of any change in facts which affect the employer's obligation to set aside funds under this section. Upon request of the parent, legal guardian or the child performer's guardian ad litem, the custodian may require the child performer's employer to transfer more than [~~fifteen percent~~] the required percentage of the gross earnings to the child performer trust account. The child performer's parent or legal guardian may serve as custodian. Once the child performer trust account balance reaches two hundred fifty thousand dollars or more a trust company shall be appointed as custodian of the account.

[~~(c)~~] (d) Financial literacy education. Upon opening a child performer trust account, the child performer and the parent or guardian shall be provided information by the department of labor on budgeting, saving, taxes, trust management, and long-term financial planning.

(e) Termination of child performer trust account. The child performer may terminate the child performer trust account upon reaching the age of eighteen.

3. Standard for child performer trust accounts. Custodian management of funds which are required to be placed into a child performer trust

account shall be subject to part six of this article, in all respects except as provided in this section.

§ 2. Paragraph (d) of subdivision 1 of section 151 of the labor law, as amended by chapter 35 of the laws of 2004, is amended to read as follows:

(d) At the time a child performer applies for an employment permit, the commissioner shall inform the child performer of the child performer trust requirements. The commissioner shall provide a notice in bold twelve point type to read as follows: "NEW YORK STATE LAW REQUIRES [~~FIFTEEN PERCENT~~] A PERCENTAGE OF A CHILD PERFORMER'S EARNINGS TO BE PLACED IN TRUST IN ACCORDANCE WITH PART 7 OF ARTICLE 7 OF THE ESTATES, POWERS AND TRUSTS LAW. THE LAW REQUIRES: TWENTY PERCENT OF EARNINGS UP TO AND INCLUDING ONE HUNDRED THOUSAND DOLLARS; TWENTY-FIVE PERCENT OF EARNINGS BETWEEN ONE HUNDRED THOUSAND ONE DOLLARS AND TWO HUNDRED FIFTY THOUSAND DOLLARS; AND THIRTY PERCENT OF EARNINGS ABOVE TWO HUNDRED FIFTY THOUSAND ONE DOLLARS. THE CHILD PERFORMER'S PARENTS OR GUARDIAN MUST ESTABLISH THE CHILD PERFORMER TRUST ACCOUNT TO COMPLY WITH THIS REQUIREMENT. THE CHILD'S PARENTS OR GUARDIAN MUST PROVIDE THE CHILD PERFORMER'S EMPLOYER WITH THE INFORMATION NECESSARY TO TRANSFER THESE MONIES TO THE ACCOUNT. FAILURE TO COMPLY WITH THIS REQUIREMENT WILL PREVENT THE DEPARTMENT OF LABOR FROM RENEWING THE CHILD'S PERMIT TO WORK AS A CHILD PERFORMER."

§ 3. This act shall take effect immediately.