

STATE OF NEW YORK

8298

2025-2026 Regular Sessions

IN ASSEMBLY

May 12, 2025

Introduced by M. of A. P. CARROLL -- (at request of the Unified Court System) -- read once and referred to the Committee on Judiciary

AN ACT to amend the family court act, in relation to the time limit for appeals in all categories of family court cases and for the filing of objections to support magistrate determinations in child support, paternity and parentage proceedings in family court

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

1 Section 1. Subdivision (e) of section 439 of the family court act, as
2 amended by chapter 336 of the laws of 2004, is amended to read as
3 follows:

4 (e) The determination of a support magistrate shall include findings
5 of fact and, except with respect to a determination of a willful
6 violation of an order under subdivision three of section four hundred
7 fifty-four of this article where commitment is recommended as provided
8 in subdivision (a) of this section, a final order which shall be entered
9 and transmitted to the parties. Specific written objections to a final
10 order of a support magistrate may be filed by either party with the
11 court within thirty days after receipt of the order in court or by
12 personal service, or, if the objecting party or parties did not receive
13 the order in court or by personal service, thirty-five days after mail-
14 ing or electronic transmission of the order to such party or parties. A
15 party filing objections shall ~~[serve]~~ arrange for the service by a non-
16 party over the age of eighteen of a copy of such objections upon the
17 opposing party, who shall have thirteen days from such service to ~~[serve~~
18 ~~and]~~ file a written rebuttal to such objections, which shall be served
19 by a non-party over the age of eighteen upon the other party. Proof of
20 service upon the opposing party shall be filed with the court at the
21 time of filing of objections and any rebuttal. Within ~~[fifteen]~~ thirty-
22 five days after the ~~[rebuttal]~~ objection is filed, ~~[or the time to file~~
23 ~~such rebuttal has expired, whichever is applicable,]~~ the judge, based

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

LBD08846-01-5

1 upon a review of the objections and the rebuttal, if any, shall (i)
2 remand one or more issues of fact to the support magistrate, (ii) make,
3 with or without holding a new hearing, ~~his or her~~ the judge's own
4 findings of fact and order, or (iii) deny the objections. Pending review
5 of the objections and the rebuttal, if any, the order of the support
6 magistrate shall be in full force and effect and no stay of such order
7 shall be granted. In the event a new order is issued, payments made by
8 the respondent in excess of the new order shall be applied as a credit
9 to future support obligations. The final order of a support magistrate,
10 after objections and the rebuttal, if any, have been reviewed by a
11 judge, may be appealed pursuant to article eleven of this act.

12 § 2. Section 1113 of the family court act, as amended by chapter 41 of
13 the laws of 2010, is amended to read as follows:

14 § 1113. Time of appeal. An appeal under this article must be taken no
15 later than thirty days after the service by a party or the child's
16 attorney upon the appellant of any order from which the appeal is taken,
17 thirty days from receipt of the order by the appellant in court or thir-
18 ty-five days from the mailing or electronic transmission of the order to
19 the appellant by the clerk of the court, whichever is earliest.

20 All such orders shall contain the following statement in conspicuous
21 print: "Pursuant to section 1113 of the family court act, an appeal must
22 be taken within thirty days of receipt of the order by appellant in
23 court, thirty-five days from the mailing or electronic transmission of
24 the order to the appellant by the clerk of the court, or thirty days
25 after service by a party or attorney for the child upon the appellant,
26 whichever is earliest." When service of the order is made by the court,
27 the time to take an appeal shall not commence unless the order contains
28 such statement and there is an official notation in the court record as
29 to the date and the manner of service of the order.

30 § 3. This act shall take effect on the one hundred twentieth day after
31 it shall have become a law.