§ 412. Bonds required in certain cases. a. In any case where, by order of a court of competent jurisdiction, the police and fire retirement system is required to pay over a benefit which is payable in installments and which is predicated upon the life of a beneficiary, to a payee other than the recipient who ordinarily would have taken the benefit pursuant to the provisions of this article, such payee must file a bond. The bond shall be in favor of the comptroller as administrative head of the police and fire retirement system and shall indemnify him against loss by reason of excess payment, to such payee, after benefits have ceased to become payable for any reason whatsoever.

The amounts of the bond shall be fixed by the court in a sum not less than the total amount such payee is expected to take for a period of two years. The bond with at least two sureties must be approved by the court. It must be filed with the clerk of the court and a certified copy thereof served upon the comptroller. Before the bond shall be approved there shall be filed in the court by every surety an acknowledged instrument wherein the surety designates the clerk of the court and his successors in office as a person upon whom service of any process issuing from the court may be made in like manner and with like effect as if served personally upon the surety, whenever such surety after the exercise of due diligence cannot be found and served within the state of New York.

Insofar as they are consistent with this article, the provisions of law relating to bonds and undertakings in a civil action in the supreme court shall apply to bonds required by this subdivision.

b. Notwithstanding any provisions to the contrary in subdivision a of this section, if the retirement system is required to pay over a benefit which is payable in installments and which is predicated upon the life of a beneficiary, to a payee other than the recipient who ordinarily would have taken the benefit pursuant to the provisions of this chapter, such payee shall not be required to file a bond or any other undertaking where such payment is required by order of a court of competent jurisdiction as the result of an action or proceeding for equitable distribution, alimony, maintenance or child support pursuant to article

three-A or thirteen of the domestic relations law, article four of the family court act, title six-A or six-B of article three of the social services law, section fifty-two hundred forty-two of the civil practice law and rules, or by an income execution issued pursuant to section fifty-two hundred forty-one of the civil practice law and rules.

Upon the payment of such benefit, the retirement system shall be relieved and held harmless from any and all liability for any claim of excess payment which exists at the time with reference to such benefit or may thereafter be made on account of such benefit.