

S05189 Text:

STATE OF NEW YORK

5189

2015-2016 Regular Sessions

IN SENATE

May 6, 2015

Introduced by Sen. BONACIC -- (at request of the Office of Court Administration) -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary

AN ACT to amend the domestic relations law, in relation to providing additional enforcement mechanisms for collection of spousal or child support

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

1 Section 1. Section 245 of the domestic relations law, as amended by
 2 chapter 809 of the laws of 1985, is amended to read as follows:
 3 § 245. Enforcement by contempt proceedings of judgment or order in
 4 action for divorce, separation or annulment. Where a spouse, in an
 5 action for divorce, separation, annulment or declaration of nullity of a
 6 void marriage, or for the enforcement in this state of a judgment for
 7 divorce, separation, annulment or declaration of nullity of a void
 8 marriage rendered in another state, makes default in paying any sum of
 9 money as required by the judgment or order directing the payment there-
 10 of, [~~and it appears presumptively, to the satisfaction of the court,~~
 11 ~~that payment cannot be enforced pursuant to section two hundred forty-~~
 12 ~~three or two hundred forty four of this chapter or section fifty two~~
 13 ~~hundred forty one or fifty two hundred forty two of the civil practice~~
 14 ~~law and rules,] the aggrieved spouse may make application pursuant to
 15 the provisions of section seven hundred fifty-six of the judiciary law
 16 to punish the defaulting spouse for contempt, and where the judgment or
 17 order directs the payment to be made in installments, or at stated
 18 intervals, failure to make such single payment or installment may be
 19 punished as therein provided, and such punishment, either by fine or
 20 commitment, shall not be a bar to a subsequent proceeding to punish the
 21 defaulting spouse as for a contempt for failure to pay subsequent
 22 installments, but for such purpose such spouse may be proceeded against
 23 under the said order in the same manner and with the same effect as~~

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

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1 though such installment payment was directed to be paid by a separate
 2 and distinct order, and the provisions of the civil rights law are here-
 3 by superseded so far as they are in conflict therewith. Such applica-
 4 tion may also be made without any previous sequestration or direction to
 5 give security [~~where the court is satisfied that they would be ineffec-~~
 6 ~~tual] or any application for enforcement by any other means. No demand
 7 of any kind upon the defaulting spouse shall be necessary in order that
 8 he or she be proceeded against and punished for failure to make any such
 9 payment or to pay any such installment; personal service upon the
 10 defaulting spouse of an uncertified copy of the judgment or order under
 11 which the default has occurred shall be sufficient.
 12 § 2. This act shall take effect immediately and shall apply to all
 13 actions whenever commenced as well as all judgements or orders previous-
 14 ly entered.~~