## **NYSBA FAMILY LAW SECTION UPDATE, March 2023**

## **Matrimonial Update**

## **By Bruce J. Wagner**

## **Support Magistrate, Schenectady & Montgomery County Family Courts**

## **Agreement - Set Aside – Granted**

## In Majid v. Hasson, 2023 Westlaw 2168397 (3d Dept. Feb. 23, 2023), the wife appealed from an August 2021 Supreme Court judgment of divorce rendered in the husband’s April 2019 action, which appeal also brought up for review an August 2021 order of the same Court, which denied her motion to set aside the parties’ agreement, asserting her lack of English proficiency and unconscionability. The Third Department modified, on the law, by reversing so much of the judgment as determined maintenance and child support (one child born in 2010) and remitting for a hearing on those issues. The Appellate Division rejected the wife’s argument regarding lack of understanding of English (the parties emigrated from Iraq following their 1988 marriage), noting that “[t]here is no indication that this issue was even broached throughout the litigation – no request for a translator was made and the wife affirms that she herself made application to proceed as a poor person and for appointment of counsel, without apparent difficulty.” Regarding the wife’s economic arguments, the Third Department found that the property terms were not so one-sided as to shock the conscience and that the child support provisions deviated upward from the CSSA. However, the Court noted that the agreement stated the wife’s income to be $11,446, “which is well below the applicable federal 2020 poverty guidelines” ($12,760), such that “there is a question as to whether [the waiver of maintenance] is in violation of General Obligations Law §5-311 in that the wife ‘is likely to become a public charge.’” The Appellate Division therefore remitted the issue of maintenance, and, of necessity, child support, for a hearing.

## **Attorney & Client - Advertising – YouTube Channel**

##  NYSBA Committee on Professional Ethics Opinion 1251 (January 29, 2023) provides that “creating videos for a YouTube channel to educate the public or legal profession about matters of general or specific interest is a permitted activity and does not necessarily constitute ‘advertising’ as that term is defined in the Rules of Professional Conduct [Rule 1.0(a)], but in some circumstances, it might constitute advertising” under the three-part standard (content, intent and audience), citing Rule 7.1 and Comment [7] thereto. The opinion further stated that receipt of income from YouTube activities “by way of sponsorship or advertising does not alter the analysis” and that “[t]here is nothing per se improper about a lawyer engaging in two separate income-generating businesses, only one of which is the practice of law.” The Committee noted that if, for example, referral fees were derived from the YouTube channel, then the attorney “might be subject to other rules, such as Rule 1.5(g) (governing a division of fees between lawyers in different firms).”

## **Attorney & Client - No Relationship – No Confidential Communication**

##  In Kassenoff v. Kassenoff, 2023 Westlaw 2000604 (2d Dept. Feb. 15, 2023), the wife appealed from a July 2020 Supreme Court order, which, in the husband’s May 2019 divorce action, denied her motion to compel the husband to return or destroy certain electronic communications between the wife and a non-party attorney, who was a friend of the wife. The husband had relied upon certain text messages between the wife and the nonparty in his June 2019 motion, which sought temporary and sole legal custody of the parties’ 3 children. The Second Department affirmed, holding that Supreme Court properly denied the wife’s motion, upon its finding that the wife “failed to establish that an attorney-client relationship existed between her and [the nonparty], and that the subject electronic communications were therefore privileged based on such a relationship.”

## **Child Support - CSSA – Needs-Based Order**

##  In Rosenbaum v. Festinger, 2023 Westlaw 1808123 (2d Dept. Feb. 8, 2023), the husband appealed from a July 2021 judgment of divorce which, upon a June 2021 decision after trial of the wife’s January 2013 divorce action, directed him to pay $5,597 per month toward the support of the parties’ children born in 2003 and 2004. The Second Department affirmed, noting that upon a prior appeal (151 AD3d 897), it upheld Supreme Court’s December 2014 conditional order of preclusion against the husband which provided, in the event of his noncompliance, the Court would determine child support based upon needs, rather than upon consideration of the CSSA. The Appellate Division held that upon the husband’s noncompliance with the conditional order of preclusion, Supreme Court, as permitted by DRL 240(1-b)(k), “calculated the [husband’s] monthly child support obligation on the basis of the children’s needs and did not impute income to [him].” The Court concluded that Supreme Court was not required under these circumstances to “specifically state the amount of income imputed and the resultant calculations.”

## **Child Support - Credit for Carrying Charges Paid; Imputed Income**

##  In Matter of Glaudin v. Glaudin, 2023 Westlaw 1808087 (2d Dept. Feb. 8, 2023), the father appealed from a February 2021 Family Court order denying his objections to a January 2021 Support Magistrate Order which, after a hearing upon the mother’s January 2020 petition, directed him to pay $211 per week toward the support of the parties’ child born in 2018. The Support Magistrate imputed income to the father based upon his reported monthly expenses, and determined that his “assertion that he was unable to procure employment lacked credibility.” The father moved out of the marital residence, which was his separate property. The mother and child continued to reside therein while he paid the expenses thereof. The father’s objections claimed Family Court erred by failing to grant him any credit for his payment of the marital residence’s carrying charges. The Second Department modified, on the law, by granting so much of the father’s objections as “failed to award [him] a credit against his child support obligation for any portion of the carrying charges he incurred during the mother’s exclusive occupancy of the marital residence.” The Appellate Division found that “the father testified without contradiction that he was responsible for paying the mortgage and utility bills for the house in which the mother and child were residing,” and the Support Magistrate erred in “failing to ascertain and deduct from his child support obligation the shelter costs incurred by the [father] in providing housing for [the mother and the child]” with the result that the father “is making double shelter payments.” The Second Department remitted to Family Court “for a recalculation of the father’s child support obligation and child support arrears, with the father receiving a credit for any carrying charges incurred by him in providing housing to the mother and child.”

## **Child Support - Family Offense Proceeding – Recoupment of Stimulus Payments Reversed**

##  In Matter of Josefina O. v. Francisco P., 2023 Westlaw 2168447 (3d Dept. Feb. 23, 2023), the father appealed from a February 2021 Family Court Order, which granted the mother’s motion filed in her December 2020 family offense proceeding, to the extent of directing him to pay, as temporary child support pursuant to FCA 828(4) for the parties’ 5 children born in 2007, 2010, 2015 and 2017, a lump sum representing the children’s share of the federal stimulus funds that he received. A stipulated March 2019 Family Court order provided for child support and spousal support. The Third Department reversed, on the law, and denied the mother’s motion for temporary child support, holding: (1) that the stimulus payments “were an advance refund for a tax credit earned pursuant to their last [joint] tax return” (26 USC 6428[a],[f]; 6428A[a],[f]), are marital property subject to equitable distribution, and beyond Family Court’s statutorily limited jurisdiction in the family offense proceeding, while noting that the wife’s January 2021 divorce action was pending at the time of the order appealed from; (2) there was no petition before Family Court seeking to modify the March 2019 support order and Family Court did not engage in any analysis on the issue of support modification; (3) Family Court did not advise the mother regarding services of the support collection unit, FCA 828(4), which was already collecting the father’s payments under the March 2019 support order, which were not delinquent; and (4) Family Court’s Order did not satisfy the purpose of temporary child support.”

## **Child Support - Suspension – Parental Alienation**

##  In Matter of Morgan v. Morgan, 2023 Westlaw 1425597 (2d Dept. Feb. 1, 2023), the mother appealed from a November 2021 Family Court order which, following a hearing, granted the father’s motion to suspend his child support obligation for the parties’ 2 daughters born in 2004 and 2006, upon the ground of parental alienation. The Second Department affirmed, finding, among other things, that the mother: “failed to make efforts to assist the children in developing a relationship with the father, and instead encouraged the children’s negative view of the father in an apparent effort to weaponize the children against him”; “refused to produce the children \*\*\* on numerous occasions, \*\*\* after supervised parental access that [was] successful \*\*\* towards reunification with the father”; and “discussed the father’s child support payments with one of the children.” The Appellate Division concluded that Family Court “properly determined that the mother deliberately and unjustifiably frustrated the father’s right to visit with the children.”

## **Child Support - Violation – Willful – Insufficient Job Search; Remit for Arrears Calculation; Summer Camp – Consent Proved**

##  In Matter of Susan W. v. Darren K., 2023 Westlaw 2124531 (1st Dept. Feb. 21, 2023), the father appealed from a March 2022 Family Court order, denying his objections to a January 2022 Support Magistrate Order which, after a hearing, found that he had willfully violated a prior child support order and granted the mother a money judgment of $61,080.50. The First Department modified, on the law and the facts, to the extent of vacating the amount of child support arrears found for June to December 2021, and remanding for recalculation thereof. The Appellate Division found there was “an absence of evidence of nonpayment” for the aforesaid period of months, and discrepancies between the calculations made by the judge and the magistrate. The Court rejected the father’s argument that the mother did not obtain his consent to the summer camp expenses, finding that the Support Magistrate “properly credited [the mother’s] testimony that she communicated with [the father] concerning the expense and he agreed to it.” As to willfulness, the First Department concluded that while the father “demonstrated a reduction in income after his business had lost clients, that he paid basic child support for the period of December 2019 through May 3, 2021 and that he borrowed from family members to pay down some of the amounts owed,” he also acknowledged the arrears, “and the job search record he submitted did not show consistent reasonable efforts to obtain additional employment to otherwise meet his support obligation.”

## **Counsel Fees - Agreement – Denied – Default Provision Not Met**

##  In Matter of S.L. v. A.V., 2023 Westlaw 1786597 (1st Dept. Feb. 7, 2023), the mother appealed from a June 2022 Supreme Court order awarding the father $40,000 in counsel fees pursuant to the parties’ written agreement, which provided that the defaulting party who does not cure the default within 20 days after the sending of a written notice, shall pay the other party’s counsel fees if the result is “an order substantially in that party’s favor.” The First Department modified, on the law, by denying the father’s motion, upon the ground that he did not provide the mother with the requisite 20-day notice.

## **Counsel Fees - Enforcement – Stipulation**

##  In Geraci v. Geraci, 2023 Westlaw 2147239 (2d Dept. Feb. 22, 2023), the former husband (husband) appealed from a December 2019 Supreme Court order, which granted the former wife’s (wife’s) motion to the extent of directing him to pay her $4,000 in counsel fees in her proceeding to enforce a stipulation incorporated into the parties’ March 2011 judgment of divorce. The wife sought enforcement of the stipulation’s terms which permitted her a purchase option for certain real property. The husband’s position was that the wife had a duty to reimburse him for the costs of defending litigation brought against both of them by a third party, concerning the subject real property. The Second Department affirmed, holding that Supreme Court properly awarded the wife counsel fees under the “default” provision of the parties’ stipulation, given that the husband was in breach thereof, by conditioning the wife’s exercise of her purchase option upon her reimbursement to him of the foregoing litigation costs, which was not a term of the incorporated stipulation.

## **Custody - Relocation – (VA) – Granted**

##  In Matter of Hernandez v. Viana, 2023 Westlaw 2147233 (2d Dept. Feb. 22, 2023), the father appealed from a January 2022 Family Court order which, after a hearing, granted the mother’s 2019 petition for sole legal and physical custody of the parties’ child born in 2014 and permission to relocate with the child to VA. The Second Department affirmed, holding that: (1) the mother was the child’s primary caretaker; (2) “the mother established that the child’s emotional and economic circumstances, as well as her educational opportunities, would be enhanced by the \*\*\* proposed relocation”; and (3) Family Court “properly considered the effects of domestic violence upon the child.”

## **Custody - Relocation – (FL) - Granted**

##  In Matter of Nancy A. v. Juan A.B., 180 NYS3d 908 (1st Dept. Feb. 2, 2023), the father appealed from a January 2022 Family Court order which, after a trial, granted the mother’s petition to modify a November 2014 custody order, by permitting her to relocate with the parties’ child to Florida. The First Department affirmed, noting that the mother “has been the child’s primary caregiver and has had sole custody for many years.” The Appellate Division found that “with no financial support from the father, [the mother] has cultivated a party planning business in Florida that allows her to work from home and be available for the child after school,” holding that “a move to Florida would improve the child’s quality of life” and “given the child’s age, his strong desire to relocate is significant (citation omitted), as is the fact that his younger brother, with whom he has a close relationship, lives in Florida.” The Court concluded by noting: “during the brief period the child stayed with the father, his schooling and physical safety suffered, as the father left him alone for periods of time and physically abused him.”

## **Custody - Supervised Visitation – Counseling as Condition Reversed; Delegation to Agency Reversed**

##  In Matter of Bonilla-Wright v. Wright, 2023 Westlaw 1877591 (4th Dept. Feb. 10, 2022), the father appealed from a December 2021 Family Court order, which, following a hearing, modified a prior order (sole custody to mother, weekend overnight visitation to the father) by conditioning the resumption of unsupervised weekend overnight visitation upon the participation of the father and children in therapeutic counseling and in the interim, providing one hour of supervised visitation per week at a designated agency. The Fourth Department modified, on the law, by vacating the condition of therapeutic counseling and the delegation of authority to the agency to determine the father’s receipt of weekly supervised visitation, and remitting to Family Court to “fashion a specific and definitive schedule for visitation between the father and the children.” The Appellate Division noted that counseling may be a component of a visitation order, but not a prerequisite thereto.

## **Custody - UCCJEA – Inconvenient Forum; Stay**

##  In Matter of Feltz v. Yanucil, 2023 Westlaw 1495062 (4th Dept. Feb. 3, 2023), the father appealed from a January 2021 Family Court order which stayed his modification and violation petitions, pending the commencement of proceedings in NJ, upon the ground that NY is an inconvenient forum, considering the factors set forth in DRL 76-f, including: the length of time the children have resided outside of NY; the nature and the location of the evidence; and the familiarity of the courts of each state with the facts and issues in the pending litigation. The Fourth Department affirmed, noting that the mother has sole legal and primary physical custody pursuant to a prior order and the parties’ two children reside with her in NJ.

## **Custody - UCCJEA – NY Not Home State; No Temporary Emergency Jurisdiction**

##  In Matter of Chavez v. Maldonado, 2023 Westlaw 1808086 (2d Dept. Feb. 8, 2023), the father appealed from a December 2021 Family Court order, which, following confirmation of a November 2021 referee report, dismissed his October 2021 petition seeking custody of the parties’ son born in 2009 in Guatemala, who has resided there with the mother since birth, upon the ground of lack of jurisdiction, and directed him to release the child to the mother for return to his home. The mother and child came to the US on tourist visas in June 2021 and the child came to NY to visit the father in July 2021. Upon the father’s alleged refusal to return the child, the mother filed two petitions for writs of habeas corpus and the father filed his aforesaid custody petition and a request for the exercise of temporary emergency jurisdiction pursuant to DRL 76-c. The Second Department affirmed, holding that Guatemala was the child’s home state and that NY had never been the same, which rendered NY without jurisdiction to make an initial custody determination. DRL 76(1)(a). The Appellate Division concluded that “the father’s unsubstantiated allegations were insufficient to require or warrant the invocation of \*\*\* emergency jurisdiction” pursuant to DRL 76-c and that the father was properly directed to release the child to the mother for return to Guatemala.

## **Custody - Visitation – In Person Following Deportation; No *In Camera* is Error; Remittal on Issues of Pandemic Effect and Vaccinations**

##  In Matter of Badal v. Wilkinson, 2023 Westlaw 2147225 (2d Dept. Feb. 22, 2023), the mother appealed from a November 2021 Family Court order which, after a hearing, denied her 2019 petition for in-person visitation with the parties’ child born in 2013, to occur in Trinidad and Tobago, following her deportation thereto. The Second Department reversed, on the facts and in the exercise of discretion, and remitted for a new hearing and determination. The Appellate Division held that Family Court “improvidently exercised its discretion in failing to conduct an in camera interview of the child, particularly given the mother’s testimony that the child’s fear of visiting her in person was due to outside influence.” The Second Department directed Family Court upon remittal “to develop a sufficient record, including the practical effect of the COVID-19 pandemic on the parties, vaccination status of the mother and child, the mother and maternal grandmother’s ability and willingness to coordinate travel arrangements, and factual details as to the mother’s criminal history.”

## **Enforcement - Contempt Denied – No Unequivocal Mandate of Court**

 In *Califano v. Califano*, 2023 Westlaw 2000508 (2d Dept. Feb. 15, 2023), the former husband (husband) appealed from a January 2020 Supreme Court order, which denied his August 2019 motion to hold the former wife (wife) in contempt of the parties’ April 2017 judgment of divorce and the January 2017 stipulation incorporated therein. The stipulation provided that the wife would obtain “a price to sell the ring” from one jewelry buyer, and from a second buyer at her option, and the parties “shall then sell the ring for the higher price,” subject to the husband’s right of first refusal to purchase the ring “at 50% of the higher price in cash within 30 days.” The wife sold the ring to a third party and remitted no share of the proceeds thereof to the husband. The Second Department affirmed, noting that the stipulation failed to describe or identify the ring and “did not state whether or how the proceeds from the sale of the ring should be distributed in the event that the [husband] failed to exercise his right of first refusal.” The Appellate Division concluded that the husband failed to show that the wife disobeyed a clear and unequivocal mandate contained in the judgment and stipulation, which precludes a punishment for contempt pursuant to Judiciary Law 753(A)(3).

## **Family Offense - Aggravated Harassment 2d; Criminal Obstruction Breathing; Harassment 2d; Menacing 2d**

##  In Matter of Nadine C. v. Keith F., 212 AD3d 570 (1st Dept. Jan. 31, 2023), respondent appealed from a September 2021 Family Court order which, after a hearing, found that he committed harassment 2d, aggravated harassment 2d, criminal obstruction of breathing or circulation, and menacing 2d, and entered a one-year order of protection directing him to stay away from petitioner. The First Department affirmed, holding: (1) harassment 2d “is supported by petitioner's testimony that on three occasions over the course of more than two years, from February 2018 until July 2020, respondent grabbed her by the neck, choked her, and threatened to kill her” and “during that same period, respondent repeatedly spat in her face, threatened to kill her, and choked her”; “this testimony shows that respondent engaged in a course of conduct that served no legitimate purpose and was undertaken with the intent of seriously annoying or alarming petitioner,” citing PL §240.26[3]; (2) as to criminal obstruction of breathing or blood circulation, the finding “is supported by petitioner's testimony that in July 2020, respondent told her that he wanted to kill her, then grabbed her by neck and choked her until she could not breathe,” citing PL §121.11[a]; (3) “during the same incident, she injured her right hand trying to stop respondent from strangling her after he pushed her against a wall, and the record contains a photograph showing that injury,” which evidence “supports the finding that respondent committed the family offense of aggravated harassment in the second degree,” citing PL §240.30[4]; and (4) “in May 2020, respondent showed her a gun, loaded the weapon, and threatened to ‘blow her brains out,’” which “supports the finding that respondent committed menacing in the second degree,” citing PL §120.15.

## **Paternity - Equitable Estoppel – Granted**

##  In Matter of Jemelle S. v. Latina P., 2023 Westlaw 2000729 (2d Dept. Feb. 15, 2023), petitioner appealed from a May 2022 Family Court order which, after a hearing, dismissed his 2018 petition seeking to establish his paternity of the subject child born in 2011, upon a finding that he was equitably estopped therefrom, because he had acquiesced to the development of a parent-child bond between the child and another man. The mother, who was never married, began a relationship with non-party C.S., with whom she subsequently had 2 more children. The Second Department affirmed, noting the evidence that petitioner “has been an inconsistent and unreliable presence in the child’s life and had not visited the child since she was approximately 6 years old.” In contrast, the Appellate Division found that: C.S. “had assumed a parental role toward the child since the time of her birth”; she considered C.S. to be her “daddy,” despite knowing that he was not her biological father; and Family Court properly determined that “it was in the child’s best interests to estop the petitioner from asserting his paternity claim.”

## **Pendente Lite -** **Escrow Distributions; Related Interpleader Action**

## In Parlionas v. Parlionas, 2023 Westlaw 2000631 (2d Dept. Feb. 15, 2023), the husband appealed from a February 2020 Supreme Court order, which, in the wife’s 2014 divorce action, granted her September 2019 motion to direct the attorneys for the parties to each disburse $318,723.93 from their respective escrow accounts to nonparty E.P., the wife’s daughter and the husband’s stepdaughter. The parties were both members of 2 LLCs which owned real property, in which LLCs E.P. held interests of 20% and 25%, respectively. The escrowed funds were the result of June 2017 sales of the LLCs’ real property. The Second Department reversed, on the facts and in the exercise of discretion, and denied the wife’s motion, finding that the husband submitted evidence that the issue of E.P.’s share of the sale proceeds was being contested in a separate interpleader action in which the parties, E.P. and the parties’ 2 sons were asserting competing claims, and that the interpleader action is the appropriate forum in which to resolve all such claims.

## **Pendente Lite -** **Restraint on Speech – Modified**

## In Kassenoff v. Kassenoff, 2023 Westlaw 2000546 (2d Dept. Feb. 15, 2023), the wife appealed from an August 2021 Supreme Court order, which denied her motion to vacate a May 2021 order of the same court, prohibiting her from communicating with any employee of the husband’s employer about him, the matrimonial action, the facts and circumstances of the parties’ marriage prior to the commencement thereof, or the parties’ children, and prohibiting both parties from criticizing, denigrating, or disparaging the other on any form of social media. The Second Department modified, on the law, by vacating so much of the May 2021 order as prohibited the wife from communicating with any employee of the husband’s employer about the children, and otherwise affirmed. The Appellate Division held that a prior restraint upon speech must be “tailored as precisely as possible to the exact needs of [the] case,” and the foregoing provision regarding the children “was not necessary to prevent professional reputational harm to the [husband] or financial or emotional harm to the children.” The Court noted that the husband’s present employer was also the wife’s former employer, and the restriction, as applied to the children, would, for example, prohibit the wife from transmitting an invitation for a birthday party for one of the children to one or more of her former co-workers. The Second Department concluded that the remaining restraints were not constitutionally impermissible.

## **Procedure - Appeal Dismissed – Non-Dispositional Family Court Order**

##  In Matter of Bryant v. Kepler, 181 NYS3d 922 (4th Dept. Feb. 10, 2023), respondents appealed from an October 2021 Family Court order, which granted petitioners’ application to register a Florida custody order and determined that NY lacked jurisdiction to render an initial custody determination, DRL 76(1), upon the ground that Florida is the subject child’s home state. The Fourth Department noted that the order appealed from expressly reserves to respondents the right to renew their request for a hearing pursuant to DRL 77-d challenging the registration, and, therefore, “did not dispose of all of the factual and legal issues raised.” As such, the order appealed from was not an order of disposition and therefore not appealable as of right, FCA 1112, leading the Appellate Division to dismiss the appeal.

## **Real Property - Partition – Summary Judgment Denied**

##  In Cruz v. Cruz, 2023 Westlaw 2000470 (2d Dept. Feb. 15, 2023), the former husband (husband) appealed from a May 2020 Supreme Court order, which denied his motion seeking summary judgment in his June 2018 action for partition and sale of real property. The parties were married in 1974 and acquired the marital residence as tenants by the entirety. The husband’s May 2013 divorce action, in which he claimed a 50% interest in the residence, was concluded by a May 2018 judgment of divorce, into which was incorporated the parties’ September 2017 stipulation, pursuant to which the former wife (wife) paid him a lump sum in satisfaction of “all claims for equitable distribution and property distribution.” The Second Department affirmed, holding that Supreme Court properly denied summary judgment to the husband, while noting that partition is an equitable remedy which “is not absolute and may be precluded where equities so demand.” The Appellate Division concluded that although the divorce judgment severed the tenancy by the entirety and left the parties as tenants in common, the husband “failed to meet his burden to establish, prima facie, that the equities between the parties warrant the remedy of partition.”

## **LEGISLATIVE AND AGENCY ITEMS**

## **Forensic Evaluator Training Requirements**

##  Further to previous reports on this issue, an **amendment** to A02375C/S06385B, signed December 23, 2022, Laws of 2022, Ch. 740, and **effective June 21, 2023 [for now, see below],** **has been passed by both houses as of February 15, 2023** (S00860/A00632) **which, if signed**, would**: (a)** if the child is living out of state and if further than 100 miles from the New York border, permit the evaluator to conduct the evaluation utilizing video conferencing technology and so long as the evaluator takes all steps reasonably available to protect the confidentiality of the child's disclosures for any evaluation conducted remotely; **(b)** change the creation and oversight of the training to require the Office for the Prevention of Domestic Violence (OPDV), in conjunction with an organization recognized by the federal department of health and human services to coordinate statewide services for the prevention and intervention of domestic violence, to create and administer a training program for court appointed forensic evaluators. OPDV and the organization will be responsible for providing the training to psychiatrists, psychologists, and social workers who are licensed in New York state, so that they may conduct these evaluations. OPDV and the organization recognized by the federal department of health and human services must review and update the training every two years; and **(c)** amend the effective date from 180 days to 1 year following signing.

## **Poverty Guidelines and Self-Support Reserve**

##  **Effective March 1, 2023**, the poverty income guidelines for a single person as reported by the US Dept. of Health and Human Services is $14,580 (up from $13,590) and the self-support reserve is $19,863 (up from $18,347).

## **Violation of Support Orders – Proposal to Eliminate Incarceration**

##  A bill has been introduced in both houses (S00317, referred to Judiciary Jan. 4, 2023 and A00457, referred to Judiciary Jan. 9, 2023) which, if passed and signed into law, **would amend** Family Court Act 439 and 454 and repeal Family Court Act 455 and 456, to eliminate the ability of a court to commit a respondent to jail or place a respondent on probation as a penalty for violation of a support order.