



2018 New York State YMCA  
Youth And Government

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Committee Assignment: Senate 2

Bill #: S-14

1 **Sponsors:** Anastasia Acerno, Manuel Gonzalez, Hamza Hasan, Christopher Padilla

2

3 **An Act To**

4 Amend the New York State Domestic Relations Law § 240 to include the ability for a  
5 non-custodial parent to file an accounting claim to the court to review the custodial  
6 parent's expenditures, if the non-custodial parent has reason to believe that funds  
7 provided by said non-custodial parent, are being used for expenses other than that  
8 of the wellbeing of the child(ren) in custody.

9

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

12

13 **Purpose**

14 There is currently no law in New York State that holds a custodial parent  
15 accountable in terms of how they spend child support payments from non-custodial  
16 parents. In order to maintain a safe environment for the children of these parents,  
17 we must ensure that the custodial parents can be held accountable for the misuse  
18 of child support payments.

19

20 **Summary of Provisions**

21 **Section 1:** Definitions

22 Custodial Parent: A parent who is given physical or legal custody of a child by court  
23 order.

24 Non-custodial Parent: A parent who does not have physical custody of his or her  
25 minor child by as the result of a child custody determination

26 Pro rata: Proportional

27 Child Support: Financial support provided by the noncustodial parent.

28 **Section 2**

29 (6) Where the court determines that the custodial parent is seeking work and  
30 incurs child care expenses as a result thereof, the court may determine reasonable  
31 child care expenses and may apportion the same between the custodial and non-  
32 custodial parent. The non-custodial parent's share of such expenses shall be  
33 separately stated and paid in a manner determined by the court. If the non-  
34 custodial parent has reason to believe that the custodial parent is using the non-  
35 custodial parent's pro rata share of basic child support for expenses other than  
36 child care expenses, then the non-custodial parent may file an accounting claim



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37 to the court to review the custodial parent's expenditures, who will then further  
38 decide on any action regarding the custody of the child.

39 **Justification**

40 In New York State there is currently no law that holds custodial parents accountable  
41 for spending child support payments on expenses other than the child. Currently for  
42 a middle income family to raise a child born in 2015 through the age of 17 costs  
43 approximately, \$233,610. Especially for low income households, child support is  
44 often an important source of money for a custodial parent to ensure the child is  
45 living in an environment that provides them with their basic necessities. If a  
46 noncustodial parent who is financially supporting the child believes that the child is  
47 not being provided for, they should be able to take action for the well being of the  
48 child. With 52 percent of children living in low income households, only having a  
49 single parent, it is imperative that the needs of the child are met by this sole  
50 parent.

51

52 **Fiscal Implications**

53 There will be no fiscal implications with the introduction of this bill.

54

55 **Effective Date**

56 This bill will go into effect one year after its passage.