

DIGEST OF LAWS OF 2003  
RELATING TO PROGRAMS OF THE OFFICE  
OF TEMPORARY AND DISABILITY ASSISTANCE

NOTICE

The purpose of this Digest is to highlight provisions of the Laws of 2003 and to direct interested persons to the appropriate provisions of the law. This Digest is neither designed nor intended to be used as a substitute for the law itself nor is it intended to be considered as the Office's interpretation of these laws for the purposes of implementation.

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## TEMPORARY ASSISTANCE

### Chapter 16 - Medical Parole Program

[Senate 3576 by Senator Volker]

Extends from September 1, 2003 until September 1, 2005 the expiration of the medical parole program. That program authorizes the Division of Parole to release certain inmates who are certified to be suffering from a terminal condition, disease or syndrome and to be so debilitated or incapacitated as to create a reasonable probability that the inmate is physically incapable of presenting any danger to society. Section 62(g)(2) of the Social Services Law provides that upon receipt of an application for public assistance forwarded by the State Department of Correctional Services for persons meeting the conditions of medical parole, financial eligibility for such assistance shall be determined by the Office of Temporary and Disability Assistance.

#### **Statutes involved:**

Laws 1992, Chapter 55, sect. 427, subd. (r), amended

**Effective date:** March 31, 2003

### **Chapter 34 – Eligibility for Child Assistance**

[Assembly 5390 by Assemblyperson Glick, et al.]

Provides that persons eligible for both the Child Assistance Program and the Medical Assistance Program (MA) who lose eligibility for MA solely due to increased earnings or loss of earned income disregards will remain eligible for MA until April 1, 2005.

#### **Statutes involved:**

Social Services Law  
Section 131-z, subd. 6, para. (b), amended

**Effective date:** April 8, 2003

### Chapter 62 - Standard of Monthly Need, Personal Needs Allowance

[Assembly 2106-b, a Budget Bill]

Increases the standards of monthly need for determining eligibility and payment of federal Supplemental Security Income (SSI) and additional State payments to the aged, blind and disabled to reflect SSI benefit increases that may result from any cost-of-living adjustment occurring between January 1, 2003 and June 30, 2003 and makes corresponding changes to personal allowances provided to residents of congregate care facilities.

**Statutes involved:**

Social Services Law

Section 131-o, subd. 1, paras. (a), (b), (c) and (d), amended

Section 209, subd. 2, paras. (a), (b), (c), (d), (e), (f) and (g),  
amended

Section 210, subd. 1, amended

**Effective date:** December 31, 2003

**Chapter 340 – Public Assistance Liens**

[Senate 1821 by Senator Meier, et al.]

Provides that a social services district may not assert a lien in order to collect unreimbursed payments of public assistance if such payments were recovered by child support collections.

**Statutes involved:**

Social Services Law

Section 104, subd. 4, added

Section 104-b, subd. 14, added

Section 106, subd. 4, added

Section 131-r, subd. 2, added

**Effective date:** January 1, 2004

**Chapter 341 – Exemption of Resources**

[Senate 1827 by Senator Meier, et al.]

Extends from August 22, 2003 until August 22, 2005 the provisions of section 131-n of the Social Services Law. That section sets forth the resources that are to be disregarded when calculating the amount of public assistance benefits to be provided to a household.

**Statutes involved:**

Laws 1997, Chapter 436, Part B, section 153, subd. (c), amended

**Effective date:** August 19, 2003

**Chapter 360 - Food Assistance Program**

[Senate 4625-A by Senator Meier, et al.]

Extends the expiration date of the Food Assistance Program (FAP) from September 30, 2003 to September 30, 2005. The Chapter also eliminates the requirement that to be eligible for FAP a person must reside in the same social services district in which the application for FAP had been made. The Chapter also removes non-citizens who are under 18 years of age or disabled from the list of people who may be eligible for FAP.

**Statutes involved:**

## Social Services Law

Section 95, subd. 10, para. (b), amended

Section 95, subd. 10, para. (k), amended

**Effective date:** April 1, 2003**Chapter 373 – Receipt of Nonrecurring Lump Sum Income**

[Senate 5442 by Senator Meier]

Excludes from lump sum calculations up to \$2,000 (\$3,000 in the case of the elderly) of cash or liquid or non-liquid resources and requires a recalculation of any period of ineligibility determined by the lump sum rule if lump sum income is applied to certain listed activities or accounts within 90 days of receipt. The Chapter also creates a new exemption for up to \$1,400 saved in a separate bank account for the purpose of paying tuition in a two-year accredited post-secondary education institution.

**Statutes involved:**

## Social Services Law

Section 131-a, subd. 12, para. (b), amended

Section 131-a, subd. 12, para. (c), added

Section 131-n, subd. 1, amended

**Effective date:** December 17, 2003**CHILD SUPPORT****Chapter 81 – Support Magistrates**

[Assembly 7487 by Assemblyperson Titus]

Changes the position of hearing examiners in child support matters to support magistrates.

**Statutes involved:**

## Family Court Act

Section 117, subd. (c), amended

Section 120, subd. (b), amended

Section 413, subd. 3, para. b, subparas. 5 and 6, amended

Section 413-a, subd. 3, para. (e), amended

Section 425, amended

Section 433, subd. (b), amended

Section 435, subds. (b) and (c), amended

Section 439, amended

Section 439, subd. (a), amended  
Section 439-a, subd. (b), amended

Domestic Relations Law

Section 240, subd. 4, para. 1, subpara. (e), amended  
Section 240-c, subd. 3, para. (e), amended

Social Services Law

Section 111-n, subd. 5, para. (c), amended

**Effective date:** June 18, 2003

**Chapter 87 – Drivers’ Licenses Suspension**

[Senate 1820 by Senator Meier, et al.]

Extends from June 30, 2003 until June 30, 2005 the expiration date of the authority for the administrative suspension of drivers’ licenses for non-payment of child support.

**Statutes involved:**

Laws 1995, Chapter 81, sect. 246, subd. 19, amended

**Effective date:** June 30, 2003

**Chapter 88 - Enforcement of Child Support Orders**

[Senate 1824 by Senator Meier, et al.]

Extends from June 30, 2003 until June 30, 2005 the expiration date of the authority for the referral to the Department of Taxation and Finance of cases for enforcement of non-payment of child support.

**Statutes involved:**

Laws 1996, Chapter 706, sect. 5, amended

**Effective date:** June 30, 2003

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