

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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TABLE OF CONTENTS

<u>Laws of 2003</u> <u>Chapter No.</u>	<u>Page in</u> <u>this Digest</u>
---	--

TEMPORARY ASSISTANCE

16	3
34	3
62	3-4
340	4
341	4
360	4-5
373	5

CHILD SUPPORT

81	5-6
87	6
88	6

STATUTES AFFECTED: PAGES 7-8**SUBJECT INDEX: PAGE 9**

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

STATUTES AFFECTED

	<u>LAWS OF 2003 CHAPTER NO.</u>	<u>PAGE IN THIS DIGEST</u>
Family Court Act		
Section 117, subd. (c), amended	81	5-6
Section 120, subd. (b), amended	81	5-6
Section 413, subd. 3, para. b, subparas. 5 and 6, amended	81 81	5-6 5-6
Section 413-a, subd. 3, para. (e), amended	81	5-6
Section 425, amended	81	5-6
Section 433, subd. (b), amended	81	5-6
Section 435, subds. (b) and (c), amended	81	5-6
Section 439, amended	81	5-6
Section 439, subd. (a), amended	81	5-6
Section 439-a, subd. (b), amended	81	5-6
Domestic Relations Law		
Section 240, subd. 4, para.1, subpara. (e), amended	81	5-6
Section 240-c, subd. 3, para. (e), amended	81	5-6
Social Services Law		
Section 95, subd. 10, para. (b), amended	360	4-5
Section 95, subd. 10, para. (k), amended	360	4-5
Section 104, subd. 4, added	340	4
Section 104-b, subd. 14, added	340	4
Section 106, subd. 4, added	340	4
Section 111-n, subd. 5, para. (c), amended	81	5-6
Section 131-a, subd. 12, para. (b), amended	373	5
Section 131-a, subd. 12, para. (c), added	373	5
Section 131-n, subd. 1, amended	373	5
Section 131-o, subd. 1, paras. (a), (b), (c) and (d), amended	62	3-4
Section 131-r, opening para., amended	340	4
Section 131-r, subd. 2, added	340	4
Section 131-z, subd. 6, para. (b), amended	34	3
Section 209, subd. 2, paras. (a), (b), (c), (d), (e), (f) and (g), amended	62	3-4
Section 210, subd. 1, amended	62	3-4
Unconsolidated Laws		
Laws 1997, Chapter 436, Part B, section 153, subd. (c), amended	341	4
Laws 1996, Chapter 706, sect. 5, amended	88	6
Laws 1995, Chapter 81, sect. 246, sect.19, amended	87	6
Laws 1992, Chapter 55, sect. 427, subd. (r), amended	16	3

SUBJECT INDEX

	<u>LAWS OF 2003 CHAPTER NO.</u>	<u>PAGE IN THIS DIGEST</u>
<u>A</u>		
Additional State payments, cost of living increase	62	3-4
<u>C</u>		
Child assistance program, eligibility	34	3
Child support, drivers' licenses suspension	87	6
Child support, Department of Taxation and Finance, referral	88	6
Child support, lien	340	4
Cost of living increase, additional State payments	62	3-4
<u>F</u>		
Food assistance program, extension	360	4-5
Food assistance program, eligibility	360	4-5
<u>H</u>		
Hearing examiner, support magistrate	81	5-6
<u>L</u>		
Lien, child support	340	4
Lump sum calculations	373	5
<u>M</u>		
Medical parole, extended	16	3
<u>P</u>		
Personal needs allowance, standard of monthly need	62	3-4
<u>R</u>		
Resources, exemption	341	4
Resources, exemption	373	5
<u>S</u>		
Supplemental Security Income benefits, additional State payments	62	3-4
Support magistrates, hearing examiners	81	5-6