

New York Law Extends Support for Handicapped Children Beyond Age 21

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In a groundbreaking move, the State of New York became the 41st state to enact a progressive law requiring parents to continue supporting their handicapped children beyond the age of 21. This decision showcases New York's commitment to ensuring the well-being and inclusion of individuals with disabilities, guaranteeing them a stable future filled with opportunities for growth and independence.

Background and Rationale

The law amends the Domestic Relations Law and the Family Court Act to allow custodial parents or caregivers of children with “*developmental disabilities*” to petition a Court to receive support payments until the child is age 26. See Domestic Relations Law §240-d; Family Court Act § 413-b.

The new law builds upon the existing legal framework surrounding disability rights and represents a significant step forward in promoting inclusivity and equity for all members of society. By extending parental support beyond the traditional age of adulthood, New York aims to bridge the gap between education and independent living for handicapped individuals. Recognizing that disabilities may impede self-sufficiency, this legislation seeks to offer a safety net that promotes their long-term welfare.

Key Provisions

Who May Seek the Relief: A medical professional must have previously diagnosed the child with a “developmental disability.” The custodial parent or caregiver of the “developmentally disabled” child may petition the Court for relief provided that the child is “principally dependent” on the petitioner and resides with the petitioner.

What is the Definition of Developmentally Disabled: A developmental disability is as defined by the Mental Health Law, which includes, but is not limited to, cognitive, developmental, and physical disabilities. The disability must (1) have originated before the child became 22 years old, (2) have continued or can be expected to continue indefinitely, and (3) constitute a substantial handicap to the child's ability to function normally in society. See Mental Health Law §1.03 (22).

Extended Financial Support: Under this law, parents are required to continue providing financial support to their handicapped children beyond the age of 21. This provision ensures that individuals with disabilities have access to basic necessities, healthcare, and other essential support services.

Education and Vocational Training: The legislation emphasizes the importance of ongoing education and vocational training for handicapped individuals. Parents are encouraged to facilitate their children's continuing education or skill development to enhance their employment opportunities and improve their overall quality of life.

Guardianship and Decision-making: The law provides provisions for parents to retain guardianship over their handicapped children even after they reach adulthood. This empowers parents to make decisions concerning medical care, housing, and other crucial aspects of their child's life, ensuring their ongoing well-being and security.

Housing and Accommodation: The law recognizes the critical role of suitable housing in fostering independence and mandates parental responsibility in securing appropriate living arrangements for their handicapped children. This provision aims to prevent homelessness and promote inclusive communities that cater to the unique needs of individuals with disabilities.

Impact and Implications

This progressive legislation has far-reaching implications for disabled individuals and their families. It promotes their physical and emotional well-being and strengthens the foundation for a more inclusive society where every person is valued and included. By removing barriers to independence, New York aims to empower handicapped individuals to lead fulfilling lives, contribute to their communities, and achieve their full potential.

Conclusion

The passage of the New York law requiring parents to support handicapped children beyond the age of 21 is a significant milestone in disability rights and sets an inspiring example for other states to follow. By recognizing the ongoing needs and challenges faced by handicapped individuals, the law acknowledges the importance of parental support in fostering their independence and overall well-being. It is a step towards creating a more inclusive and compassionate society that values and empowers every member, regardless of their abilities.