

2094

2013-2014 Regular Sessions

I N   S E N A T E

January 10, 2013

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Introduced by Sen. GOLDEN -- read twice and ordered printed, and when printed to be committed to the Committee on Children and Families

AN ACT to amend the domestic relations law, in relation to the notification of certain relatives prior to the placement of children

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. Subdivision 2 of section 72 of the domestic relations law,  
2     as added by chapter 657 of the laws of 2003, is amended to read as  
3     follows:  
4     2. (a) Where a grandparent or the grandparents of a minor child,  
5     residing within this state, OR RELATIVE WHO IS RELATED TO A PARENT WITH-  
6     IN THE THIRD DEGREE OF CONSANGUINITY OR THROUGH MARRIAGE OR ADOPTION,  
7     RESIDING IN THIS STATE can demonstrate to the satisfaction of the court  
8     the existence of extraordinary circumstances, such grandparent [or],  
9     grandparents OR RELATIVE of such child may apply to the supreme court by  
10    commencing a special proceeding or for a writ of habeas corpus to have  
11    such child brought before such court, or may apply to family court  
12    pursuant to subdivision (b) of section six hundred fifty-one OR SECTION  
13    SIX HUNDRED SIXTY-ONE of the family court act; and on the return there-  
14    of, the court, by order, after due notice to the parent or any other  
15    person or party having the care, custody, and control of such child, to  
16    be given in such manner as the court shall prescribe, may make such  
17    directions as the best interests of the child may require, for custody  
18    rights for such grandparent [or], grandparents OR RELATIVE in respect to  
19    such child. An extended disruption of custody, as such term is defined  
20    in this section, shall constitute an extraordinary circumstance.  
21    (b) For the purposes of this section "extended disruption of custody"  
22    shall include, but not be limited to, a prolonged separation of the  
23    respondent parent and the child for at least twenty-four continuous  
24    months, during which TIME the parent voluntarily relinquished care and  
25    control of the child and the child resided in the household of the peti-

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets [ ] is old law to be omitted.

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1 tioner grandparent [or], grandparents OR RELATIVE, provided, however,  
2 that the court may find that extraordinary circumstances exist should  
3 the prolonged separation have lasted for less than twenty-four months.

4 (c) Nothing in this section shall limit the ability of parties to  
5 enter into consensual custody agreements absent the existence of  
6 extraordinary circumstances.

7 S 2. This act shall take effect immediately.