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I N   S E N A T E

June 2, 2014

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

AN ACT to amend the family court act, in relation to the supervision of persons with custody of protected children

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

1     Section 1. Subparagraphs (i) and (ii) of paragraph (a) of subdivision  
2     2 of section 1017 of the family court act, as amended by chapter 519 of  
3     the laws of 2008, are amended to read as follows:  
4     (i) grant an order of custody or guardianship to such non-respondent  
5     parent, other relative or other suitable person pursuant to section one  
6     thousand fifty-five-b of this article AND MAKE ANY ORDER ALLOWABLE UNDER  
7     SECTION TWO HUNDRED FIFTY-FIVE OR ONE THOUSAND FIFTEEN-A OF THIS ACT; or  
8     (ii) place the child directly in the custody of such non-respondent  
9     parent, other relative or other suitable person pursuant to this article  
10    during the pendency of the proceeding or until further order of the  
11    court, whichever is earlier and conduct such other and further investi-  
12    gations as the court deems necessary AND MAKE ANY ORDER ALLOWABLE UNDER  
13    SECTION TWO HUNDRED FIFTY-FIVE OR SECTION ONE THOUSAND FIFTEEN-A OF THIS  
14    ACT; or  
15    S 2. Subdivision 3 of section 1017 of the family court act, as added  
16    by chapter 519 of the laws of 2008, is amended to read as follows:  
17    3. An order placing a child with a relative, INCLUDING A NON-RESPON-  
18    DENT PARENT, or other suitable person pursuant to this section may not  
19    be granted unless the relative or other suitable person consents to the  
20    jurisdiction of the court. The court may place the person with whom the  
21    child has been directly placed under supervision during the pendency of  
22    the proceeding. Such supervision shall be provided by a child protective  
23    agency, social services official or duly authorized agency. The court  
24    also may issue a temporary order of protection under subdivision (f) of  
25    section one thousand twenty-two, section one thousand twenty-three or  
26    section one thousand twenty-nine of this article, AND MAY MAKE ANY ORDER  
27    ALLOWABLE UNDER SECTION TWO HUNDRED FIFTY-FIVE OR SECTION ONE THOUSAND  
28    FIFTEEN-A OF THIS ACT. An order of supervision issued pursuant to this

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

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1 subdivision shall set forth the terms and conditions that the relative  
2 or suitable person must meet and the actions that the child protective  
3 agency, social services official or duly authorized agency must take to  
4 exercise such supervision.

5 S 3. Subdivision (a) of section 1054 of the family court act, as  
6 amended by chapter 41 of the laws of 2010, is amended to read as  
7 follows:

8 (a) If the order of disposition releases the child to the custody of  
9 his or her parent or other person legally responsible for his or her  
10 care at the time of the filing of the petition, the court may place the  
11 person to whose custody the child is released under supervision of a  
12 child protective agency or of a social services official or duly author-  
13 ized agency, [or] may enter an order of protection under section one  
14 thousand fifty-six, [or both] AND MAY MAKE ANY ORDER ALLOWABLE UNDER  
15 SECTION TWO HUNDRED FIFTY-FIVE OR SECTION ONE THOUSAND FIFTEEN-A OF THIS  
16 ACT. An order of supervision entered under this section shall set forth  
17 the terms and conditions of such supervision that the [respondent]  
18 PERSON OR PERSONS AGAINST WHOM THE ORDER IS ENTERED must meet and the  
19 actions that the child protective agency, social services official or  
20 duly authorized agency must take to exercise such supervision. Except as  
21 provided for herein, in any order issued pursuant to this section, the  
22 court may require the child protective agency to make progress reports  
23 to the court, the parties, and the child's attorney on the implementa-  
24 tion of such order. Where the order of disposition is issued upon the  
25 consent of the parties and the child's attorney, such agency shall  
26 report to the court, the parties and the child's attorney no later than  
27 ninety days after the issuance of the order, unless the court determines  
28 that the facts and circumstances of the case do not require such report  
29 to be made.

30 S 4. This act shall take effect immediately.