

7707

I N S E N A T E

June 2, 2014

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.

LBD15449-01-4

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.