

STATE OF NEW YORK

1643

2023-2024 Regular Sessions

IN ASSEMBLY

January 17, 2023

Introduced by M. of A. THIELE -- read once and referred to the Committee on Judiciary

AN ACT to amend the mental hygiene law, in relation to proceedings for appointment of a guardian for personal needs or property management

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

- 1 Section 1. This act shall be known and may be cited as "Karilyn's
2 law".
3 § 2. Paragraph 1 of subdivision (b) of section 81.07 of the mental
4 hygiene law, as amended by chapter 438 of the laws of 2004, is amended
5 to read as follows:
6 1. set the date on which the order to show cause is heard no more than
7 twenty-eight days from the date of the signing of the order to show
8 cause. The court may for good cause shown set a date less than twenty-
9 eight days from the date of the signing of the order to show cause;
10 provided that where the order to show cause concerns family visitation
11 rights, the court shall set the date on which the order to show cause is
12 heard and for which a temporary order will be issued no more than ten
13 days from the date of the signing of the order to show cause. Upon
14 such application for visitation, there shall be a rebuttable presumption
15 in favor of visitation. Visitation shall only be denied upon clear and
16 convincing evidence. It is further within the court's discretion to
17 provide whatever limitations deemed appropriate, including, but not
18 limited to, supervised visitation. The date of the hearing may be
19 adjourned only for good cause shown;
20 § 3. This act shall take effect immediately.

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

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