

STATE OF NEW YORK

7535

2023-2024 Regular Sessions

IN SENATE

June 5, 2023

Introduced by Sen. BRISPORT -- (at request of the Office of Court Administration) -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the family court act, in relation to orders of protection expiration dates and permissible duration of temporary orders of protection in juvenile delinquency cases in family court

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

1 Section 1. Subdivision 1 of section 154-c of the family court act, as
2 added by chapter 186 of the laws of 1997, is amended to read as follows:

3 1. Expiration dates. Any order of protection or temporary order of
4 protection issued under articles three, four, five, six [~~and~~], seven,
5 eight, ten and ten-A of this act shall plainly state the date that such
6 order expires.

7 § 2. Subdivision 4 of section 304.2 of the family court act, as added
8 by chapter 683 of the laws of 1984, is amended to read as follows:

9 (4) A temporary order of protection issued or extended after the
10 filing of a petition under this article shall contain an expiration date
11 and may remain in effect until an order of disposition is entered.

12 a. A temporary order of protection issued prior to the filing of a
13 petition under this article may remain in effect for an initial period
14 of up to thirty days and may be extended by the court for an additional
15 period of up to thirty days upon good cause or, where the juvenile's
16 case is being adjusted pursuant to section 308.1 of this article, for a
17 period coinciding with such adjustment. If the juvenile successfully
18 completes adjustment prior to the expiration of the order, the probation
19 service, presentment agency or attorney for the child may move to vacate
20 such temporary order of protection upon such successful completion.

21 b. A temporary order of protection issued under this section may be
22 extended for one additional period of up to thirty days upon a finding
23 by the court of a compelling reason. Where the case is not being

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

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1 adjusted or where efforts to adjust the case have been terminated unsuc-
2 cessfully, the court must also determine whether the presentment agency
3 has made diligent efforts to file the petition and the reasons for any
4 delay.

5 c. Any application for an extension of a temporary order of protection
6 under this section shall be on notice to the juvenile, who shall have an
7 opportunity to be heard and shall have a right to counsel pursuant to
8 section two hundred forty-nine of this act.

9 § 3. This act shall take effect immediately.