

# STATE OF NEW YORK

9551

## IN ASSEMBLY

January 14, 2026

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

AN ACT to amend the family court act, the criminal procedure law, the judiciary law, the general obligations law and the domestic relations law, in relation to coercive control

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

1 Section 1. The opening paragraph of subdivision 1 of section 812 of  
2 the family court act, as amended by chapter 541 of the laws of 2024, is  
3 amended to read as follows:

4 The family court and the criminal courts shall have concurrent juris-  
5 diction over any proceeding concerning acts which would constitute coer-  
6 give control as defined by section eight hundred nineteen of this act,  
7 disorderly conduct, unlawful dissemination or publication of an intimate  
8 image, harassment in the first degree, harassment in the second degree,  
9 aggravated harassment in the second degree, sexual misconduct, forcible  
10 touching, sexual abuse in the third degree, sexual abuse in the second  
11 degree as set forth in subdivision one of section 130.60 of the penal  
12 law, stalking in the first degree, stalking in the second degree, stalk-  
13 ing in the third degree, stalking in the fourth degree, criminal  
14 mischief, menacing in the second degree, menacing in the third degree,  
15 reckless endangerment, criminal obstruction of breathing or blood circu-  
16 lation, strangulation in the second degree, strangulation in the first  
17 degree, assault in the second degree, assault in the third degree, an  
18 attempted assault, identity theft in the first degree, identity theft in  
19 the second degree, identity theft in the third degree, grand larceny in  
20 the fourth degree, grand larceny in the third degree, coercion in the  
21 second degree or coercion in the third degree as set forth in subdivi-  
22 sions one, two and three of section 135.60 of the penal law between  
23 spouses or former spouses, or between parent and child or between  
24 members of the same family or household except that if the respondent  
25 would not be criminally responsible by reason of age pursuant to section  
26 30.00 of the penal law, then the family court shall have exclusive  
27 jurisdiction over such proceeding. Notwithstanding a complainant's

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

LBD13778-03-5

1 election to proceed in family court, the criminal court shall not be  
2 divested of jurisdiction to hear a family offense proceeding pursuant to  
3 this section. In any proceeding pursuant to this article, a court shall  
4 not deny an order of protection, or dismiss a petition, solely on the  
5 basis that the acts or events alleged are not relatively contemporaneous  
6 with the date of the petition, the conclusion of the fact-finding or the  
7 conclusion of the dispositional hearing. For purposes of this article,  
8 "disorderly conduct" includes disorderly conduct not in a public place.  
9 For purposes of this article, "members of the same family or household"  
10 shall mean the following:

11 § 2. The opening paragraph of subdivision 1 of section 530.11 of the  
12 criminal procedure law, as amended by chapter 541 of the laws of 2024,  
13 is amended to read as follows:

14 The family court and the criminal courts shall have concurrent juris-  
15 diction over any proceeding concerning acts which would constitute coer-  
16 cive control as defined by section eight hundred nineteen of the family  
17 court act, disorderly conduct, unlawful dissemination or publication of  
18 an intimate image, harassment in the first degree, harassment in the  
19 second degree, aggravated harassment in the second degree, sexual  
20 misconduct, forcible touching, sexual abuse in the third degree, sexual  
21 abuse in the second degree as set forth in subdivision one of section  
22 130.60 of the penal law, stalking in the first degree, stalking in the  
23 second degree, stalking in the third degree, stalking in the fourth  
24 degree, criminal mischief, menacing in the second degree, menacing in  
25 the third degree, reckless endangerment, strangulation in the first  
26 degree, strangulation in the second degree, criminal obstruction of  
27 breathing or blood circulation, assault in the second degree, assault in  
28 the third degree, an attempted assault, identity theft in the first  
29 degree, identity theft in the second degree, identity theft in the third  
30 degree, grand larceny in the fourth degree, grand larceny in the third  
31 degree, coercion in the second degree or coercion in the third degree as  
32 set forth in subdivisions one, two and three of section 135.60 of the  
33 penal law between spouses or former spouses, or between parent and child  
34 or between members of the same family or household except that if the  
35 respondent would not be criminally responsible by reason of age pursuant  
36 to section 30.00 of the penal law, then the family court shall have  
37 exclusive jurisdiction over such proceeding. Notwithstanding a  
38 complainant's election to proceed in family court, the criminal court  
39 shall not be divested of jurisdiction to hear a family offense proceed-  
40 ing pursuant to this section. For purposes of this section, "disorderly  
41 conduct" includes disorderly conduct not in a public place. For  
42 purposes of this section, "members of the same family or household" with  
43 respect to a proceeding in the criminal courts shall mean the following:

44 § 3. Section 154-c of the family court act is amended by adding a new  
45 subdivision 4 to read as follows:

46 4. Coercive control. The court may issue an order of protection upon a  
47 finding of coercive control, as defined by section eight hundred nine-  
48 teen of this act, based on a preponderance of the evidence. The court  
49 shall update any forms used for the purpose of requesting an order of  
50 protection to include coercive control as a basis for an order of  
51 protection. Continued coercive control engaged in after the issuance of  
52 an order of protection may serve as evidence supporting a finding of  
53 contempt in accordance with the penal law.

54 § 4. The judiciary law is amended by adding a new section 39-c to read  
55 as follows:

1 § 39-c. Coercive control training. 1. For the purposes of this  
2 section, "coercive control" shall have the same meaning as such term is  
3 defined by section eight hundred nineteen of the family court act.

4 2. (a) The office of court administration, in consultation with the  
5 office for the prevention of domestic violence, shall develop and admin-  
6 ister mandatory training for judges and court clerks on coercive  
7 control.

8 (b) Such training shall cover:

9 (i) the statutory definition of coercive control;

10 (ii) patterns of conduct;

11 (iii) evidentiary considerations;

12 (iv) application in order of protection proceedings;

13 (v) survivor safety; and

14 (vi) the impact on children and implications for custody and visita-  
15 tion.

16 (c) Judges and relevant court personnel shall be required to partic-  
17 ipate in refresher training at least once every five years.

18 (d) The office of court administration shall be authorized to prepare  
19 bench cards, guidance, and forms to support the implementation of such  
20 training.

21 § 5. The domestic relations law is amended by adding a new section 256  
22 to read as follows:

23 § 256. Coercive control. 1. For the purposes of this section, "coer-  
24 cive control" shall have the same meaning as such term is defined by  
25 section eight hundred nineteen of the family court act.

26 2. The court may issue an order of protection upon a finding of coer-  
27 cive control, based on a preponderance of the evidence. The court shall  
28 update any forms used for the purpose of requesting an order of  
29 protection to include coercive control as a basis for an order of  
30 protection.

31 3. The order of protection may protect the petitioner and any minor  
32 child of the marriage or a minor child residing in such petitioner's  
33 household.

34 § 6. Section 1.20 of the criminal procedure law is amended by adding a  
35 new subdivision 46 to read as follows:

36 46. "Coercive control" means coercive control defined by section eight  
37 hundred nineteen of the family court act.

38 § 7. The family court act is amended by adding a new section 819 to  
39 read as follows:

40 § 819. Coercive control. 1. As used in this chapter, the term "coer-  
41 cive control" shall mean a pattern of behavior used to dominate, intim-  
42 idate, or subordinate another person that, in purpose or effect, unrea-  
43 sonably and capriciously interferes with that person's free will,  
44 personal liberty, or autonomy. Coercive control shall include, but  
45 shall not be limited to:

46 (a) isolating the person from friends, relatives, or other sources of  
47 support;

48 (b) controlling, monitoring, or restricting movements, communications,  
49 or access to services;

50 (c) regulating or monitoring economic resources, controlling access to  
51 money, employment, or credit;

52 (d) restricting or interfering with access to housing, transportation,  
53 health care, or employment;

54 (e) threatening, intimidating, or harassing conduct designed to  
55 instill fear or compliance;

1 (f) monitoring, controlling, or misusing digital devices, accounts, or  
2 online activity;

3 (g) misusing legal or administrative processes to harass or intim-  
4 idate; and

5 (h) repeated verbal degradation, humiliation, or intimidation.

6 2. Coercive control shall not include reasonable actions taken to  
7 protect a person's safety, welfare, or care, or the reasonable exercise  
8 of lawful authority.

9 § 8. The opening paragraph of paragraph (a) of subdivision 1 of  
10 section 240 of the domestic relations law, as amended by chapter 567 of  
11 the laws of 2015, is amended to read as follows:

12 In any action or proceeding brought (1) to annul a marriage or to  
13 declare the nullity of a void marriage, or (2) for a separation, or (3)  
14 for a divorce, or (4) to obtain, by a writ of habeas corpus or by peti-  
15 tion and order to show cause, the custody of or right to visitation with  
16 any child of a marriage, the court shall require verification of the  
17 status of any child of the marriage with respect to such child's custody  
18 and support, including any prior orders, and shall enter orders for  
19 custody and support as, in the court's discretion, justice requires,  
20 having regard to the circumstances of the case and of the respective  
21 parties and to the best interests of the child and subject to the  
22 provisions of subdivision one-c of this section. Where either party to  
23 an action concerning custody of or a right to visitation with a child  
24 alleges in a sworn petition or complaint or sworn answer, cross-peti-  
25 tion, counterclaim or other sworn responsive pleading that the other  
26 party has committed an act of domestic violence or coercive control, as  
27 defined by section eight hundred nineteen of the family court act,  
28 against the party making the allegation or a family or household member  
29 of either party, as such family or household member is defined in arti-  
30 cle eight of the family court act, and such allegations are proven by a  
31 preponderance of the evidence, the court must consider the effect of  
32 such domestic violence or coercive control upon the best interests of  
33 the child, together with such other facts and circumstances as the court  
34 deems relevant in making a direction pursuant to this section and state  
35 on the record how such findings, facts and circumstances factored into  
36 the direction. If a parent makes a good faith allegation based on a  
37 reasonable belief supported by facts that the child is the victim of  
38 child abuse, child neglect, or the effects of domestic violence, and if  
39 that parent acts lawfully and in good faith in response to that reason-  
40 able belief to protect the child or seek treatment for the child, then  
41 that parent shall not be deprived of custody, visitation or contact with  
42 the child, or restricted in custody, visitation or contact, based solely  
43 on that belief or the reasonable actions taken based on that belief. If  
44 an allegation that a child is abused is supported by a preponderance of  
45 the evidence, then the court shall consider such evidence of abuse in  
46 determining the visitation arrangement that is in the best interest of  
47 the child, and the court shall not place a child in the custody of a  
48 parent who presents a substantial risk of harm to that child, and shall  
49 state on the record how such findings were factored into the determi-  
50 nation. Where a proceeding filed pursuant to article ten or ten-A of the  
51 family court act is pending at the same time as a proceeding brought in  
52 the supreme court involving the custody of, or right to visitation with,  
53 any child of a marriage, the court presiding over the proceeding under  
54 article ten or ten-A of the family court act may jointly hear the dispo-  
55 sitional hearing on the petition under article ten or the permanency  
56 hearing under article ten-A of the family court act and, upon referral

1 from the supreme court, the hearing to resolve the matter of custody or  
2 visitation in the proceeding pending in the supreme court; provided  
3 however, the court must determine custody or visitation in accordance  
4 with the terms of this section.

5 § 9. The general obligations law is amended by adding a new article 4  
6 to read as follows:

7 ARTICLE 4

8 RIGHT OF ACTION FOR COERCIVE CONTROL

9 Section 4-101. Definitions.

10 4-102. Right of action for coercive control.

11 § 4-101. Definitions. As used in this article, the term "coercive  
12 control" shall have the same meaning as such term is defined by section  
13 eight hundred nineteen of the family court act.

14 § 4-102. Right of action for coercive control. 1. In addition to any  
15 other remedy provided by law, any person subjected to coercive control  
16 shall have a cause of action against the person who engaged in such  
17 conduct. An action or proceeding under this article shall be commenced  
18 in the supreme court of the county in which the act or acts allegedly  
19 occurred or in which any party resides.

- 20 2. A plaintiff may recover damages, including but not limited to:
- 21 (a) compensatory damages for economic loss and out-of-pocket costs;
- 22 (b) damages for emotional distress;
- 23 (c) punitive damages where appropriate; and
- 24 (d) reasonable attorney's fees and costs.

25 3. No action shall lie under this section based solely on conduct  
26 that constitutes the reasonable exercise of parental authority or super-  
27 vision.

28 4. The remedies provided by this section are in addition to, and  
29 shall not preclude, any other remedies or causes of action available  
30 under law, including orders of protection.

31 5. An action under this section shall be commenced within six years  
32 from the last act of coercive control forming the basis of the action.

33 6. In any action brought pursuant to this section, the court may order  
34 such equitable relief as it deems just and proper, including but not  
35 limited to injunctions, declaratory relief, and orders restraining the  
36 defendant from continuing coercive control.

37 7. The protections of this section shall not be waived by any agree-  
38 ment, contract, or other private arrangement, and any purported waiver  
39 shall be void as against public policy.

40 § 10. This act shall take effect on the one hundred eightieth day  
41 after it shall have become a law. Effective immediately the addition,  
42 amendment and/or repeal of any rule or regulation necessary for the  
43 implementation of this act on its effective date are authorized to be  
44 made and completed on or before such date.