

10037

I N A S S E M B L Y

February 26, 2010

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

AN ACT to amend the family court act, in relation to providing that a person legally responsible for a child shall be found neglectful if he or she fails to provide a child with proper support when the child is at risk of becoming a person in need of supervision

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

1 Section 1. Paragraph (i) of subdivision (f) of section 1012 of the
2 family court act is amended by adding a new subparagraph (C) to read as
3 follows:

4 (C) IN PROVIDING THE CHILD WITH PROPER SUPPORT WHEN THE CHILD EXHIBITS
5 CONDUCT OR BEHAVIOR WHICH WOULD QUALIFY THAT CHILD AS AT RISK OF BECOM-
6 ING A PERSON IN NEED OF SUPERVISION AS DEFINED IN SECTION SEVEN HUNDRED
7 TWELVE OF THIS CHAPTER, BY FAILING TO SEEK OUT AND PROVIDE PREVENTATIVE
8 SERVICES, INCLUDING SUPPORTIVE, OR REHABILITATION SERVICES FOR THE
9 PURPOSE OF AVERTING AN IMPAIRMENT OR DISRUPTION OF THE FAMILY WHICH WILL
10 OR COULD RESULT IN THE PLACEMENT OF THE CHILD IN FOSTER CARE, INCLUDING
11 BUT NOT LIMITED TO THOSE SERVICES PROVIDED BY THE LOCAL DEPARTMENT OF
12 SOCIAL SERVICES PURSUANT TO TITLE FOUR OF ARTICLE SIX OF THE SOCIAL
13 SERVICES LAW AND THE REGULATIONS OF THE LOCAL DEPARTMENT OF SOCIAL
14 SERVICES PROMULGATED THEREUNDER; OR

15 S 2. Section 1054 of the family court act is amended by adding a new
16 subdivision (c) to read as follows:

17 (C) IF THE COURT MAKES A FINDING OF NEGLECT AS DEFINED IN SUBPARAGRAPH
18 (C) OF PARAGRAPH (I) OF SUBDIVISION (F) OF SECTION ONE THOUSAND TWELVE
19 OF THIS ARTICLE, THE COURT SHALL ORDER THE RESPONDENT TO ABIDE BY THE
20 FOLLOWING TERMS AND CONDITIONS WHETHER OR NOT THE COURT PLACES THE
21 RESPONDENT UNDER THE SUPERVISION OF A CHILD PROTECTIVE AGENCY OR OF A
22 SOCIAL SERVICES OFFICIAL OR DULY AUTHORIZED AGENCY:

23 (I) PROVIDE PROPER CARE AND SUPERVISION TO THE CHILD AND COOPERATE IN
24 OBTAINING, ACCEPTING OR ALLOWING MEDICAL OR PSYCHIATRIC DIAGNOSIS OR
25 TREATMENT, ALCOHOLISM OR DRUG ABUSE TREATMENT, COUNSELING OR CHILD GUID-
26 ANCE SERVICES FOR THE CHILD;

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

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1 (II) TAKE PROPER STEPS TO INSURE THE CHILD'S REGULAR ATTENDANCE AT
2 SCHOOL; AND

3 (III) PARTICIPATE IN PARENTING CLASSES FOR WHICH THE RESPONDENT MUST
4 SUBMIT PROOF OF COMPLETION TO THE COURT.

5 S 3. Section 1072 of the family court act, as amended by chapter 1039
6 of the laws of 1973, the opening paragraph as amended by chapter 437 of
7 the laws of 2006, is amended to read as follows:

8 S 1072. Failure to comply with terms and conditions of supervision.
9 If, prior to the expiration of the period of an order of supervision OR
10 AN ORDER OF TERMS AND CONDITIONS WITHOUT SUPERVISION pursuant to section
11 one thousand fifty-four or one thousand fifty-seven of this article, a
12 motion or order to show cause is filed that alleges that a parent or
13 other person legally responsible for a child's care violated the terms
14 and conditions of an order of supervision OR THE TERMS AND CONDITIONS
15 WITHOUT SUPERVISION issued under section one thousand fifty-four or one
16 thousand fifty-seven of this article, the period of the order of super-
17 vision shall be tolled pending disposition of the motion or order to
18 show cause. If, after hearing, the court is satisfied by competent proof
19 that the parent or other person violated the order of supervision OR THE
20 ORDER OF TERMS AND CONDITIONS WITHOUT SUPERVISION willfully and without
21 just cause, the court may:

22 (a) revoke the order of supervision, OF TERMS AND CONDITIONS WITHOUT
23 SUPERVISION or of protection and enter any order that might have been
24 made at the time the order of supervision, OF TERMS AND CONDITIONS WITH-
25 OUT SUPERVISION or of protection was made, or

26 (b) commit the parent or other person who willfully and without just
27 cause violated the order to jail for a term not to exceed six months.

28 S 4. This act shall take effect on the ninetieth day after it shall
29 have become a law.