S T A T E O F N E W Y O R K

5429

2009-2010 Regular Sessions

I N A S S E M B L Y

February 13, 2009

Introduced by M. of A. ERRIGO, TOBACCO, FINCH -- Multi-Sponsored by -- M. of A. WALKER -- read once and referred to the Committee on Judiciary

AN ACT to amend the family court act, in relation to requiring family counseling in certain instances

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

Section 1. Subdivision 1 of section 352.3 of the family court act, as amended by chapter 532 of the laws of 2008, is amended to read as follows:

(1) Upon the issuance of an order pursuant to section 315.3 or the entry of an order of disposition pursuant to section 352.2, a court may enter an order of protection against any respondent for good cause shown. The order may require that the respondent: (a) stay away from the home, school, business or place of employment of the victims of the alleged offense; or (b) refrain from harassing, intimidating, threatening or otherwise interfering with the victim or victims of the alleged offense and such members of the family or household of such victim or victims as shall be specifically named by the court in such order; or (c) refrain from intentionally injuring or killing, without justification, any companion animal the respondent knows to be owned, possessed, leased, kept or held by the person protected by the order or a minor child residing in such person's household. "Companion animal", as used in this subdivision, shall have the same meaning as in subdivision five of section three hundred fifty of the agriculture and markets law; OR (D) TO PARTICIPATE IN FAMILY COUNSELING WITH THE RESPONDENT'S PARENTS OR OTHER LEGAL GUARDIAN, OR OTHER PROFESSIONAL COUNSELING ACTIVITIES CONDUCTED BY AN AUTHORIZED PERSON OR AN AUTHORIZED AGENCY TO WHICH THE CHILD HAS BEEN REFERRED OR PLACED, INCLUDING THE OFFICE OF CHILDREN AND FAMILY SERVICES, DEEMED NECESSARY FOR THE REHABILITATION OF THE CHILD, PROVIDED THAT SUCH FAMILY COUNSELING OR OTHER COUNSELING ACTIVITY IS NOT CONTRARY TO SUCH PERSON OR PERSONS' RELIGIOUS BELIEFS.

S 2. This act shall take effect immediately.

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

LBD05816-01-9