

7912

2009-2010 Regular Sessions

I N A S S E M B L Y

April 28, 2009

Introduced by M. of A. GUNTHER -- Multi-Sponsored by -- M. of A. PHEFFER
-- read once and referred to the Committee on Codes

AN ACT to amend the criminal procedure law and the family court act, in
relation to notification to victims of orders of protection

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

1 Section 1. Section 530.12 of the criminal procedure law is amended by
2 adding a new subdivision 16 to read as follows:
3 16. THE CLERK OF THE COURT SHALL BE RESPONSIBLE FOR PROVIDING INFORMA-
4 TION TO INDIVIDUALS PETITIONING FOR EX PARTE ORDERS OF PROTECTION
5 REGARDING NOTIFICATION OF SERVICE OF AN ORDER OF PROTECTION. SUCH
6 NOTIFICATION TO THE PETITIONER IS REQUIRED IF THE PETITIONER HAS REGIS-
7 TERED A TELEPHONE NUMBER WITH THE STATE VICTIM NOTIFICATION SYSTEM. THE
8 PETITIONER SHALL BE INFORMED OF HIS OR HER OPTION TO RECEIVE NOTIFICA-
9 TION OF SERVICE OF AN EX PARTE ORDER OF PROTECTION OR SUMMONS ON THE
10 RESPONDENT BY THE COURT CLERK AND SHALL BE PROVIDED INFORMATION ON HOW
11 TO RECEIVE NOTIFICATION OF SERVICE OF EX PARTE ORDERS OF PROTECTION OR
12 SUMMONS TO COURT. THE LOCAL LAW ENFORCEMENT AGENCY OR ANY OTHER GOVERN-
13 MENT AGENCY RESPONSIBLE FOR SERVING EX PARTE ORDERS OF PROTECTION OR
14 SUMMONS TO COURT SHALL RECORD THE SERVICE OF ORDERS OF PROTECTION ON THE
15 COMPUTERIZED REGISTRY ESTABLISHED PURSUANT TO SECTION TWO HUNDRED TWEN-
16 TY-ONE-A OF THE EXECUTIVE LAW AT THE TIME WHEN SERVICE OCCURS. THE
17 PROVISIONS OF THIS SUBDIVISION SHALL ONLY APPLY TO THOSE COURT CLERKS
18 ABLE TO ACCESS A STATEWIDE VICTIM NOTIFICATION SYSTEM.
19 S 2. Section 530.13 of the criminal procedure law is amended by adding
20 a new subdivision 6-a to read as follows:
21 6-A. THE CLERK OF THE COURT SHALL BE RESPONSIBLE FOR PROVIDING INFOR-
22 MATION TO INDIVIDUALS PETITIONING FOR EX PARTE ORDERS OF PROTECTION
23 REGARDING NOTIFICATION OF SERVICE OF AN ORDER OF PROTECTION. SUCH
24 NOTIFICATION TO THE PETITIONER IS REQUIRED IF THE PETITIONER HAS REGIS-
25 TERED A TELEPHONE NUMBER WITH THE STATE VICTIM NOTIFICATION SYSTEM. THE

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

LBD10749-01-9

1 PETITIONER SHALL BE INFORMED OF HIS OR HER OPTION TO RECEIVE NOTIFICA-
2 TION OF SERVICE OF AN EX PARTE ORDER OF PROTECTION OR SUMMONS ON THE
3 RESPONDENT BY THE COURT CLERK AND SHALL BE PROVIDED INFORMATION ON HOW
4 TO RECEIVE NOTIFICATION OF SERVICE OF EX PARTE ORDERS OF PROTECTION OR
5 SUMMONS TO COURT. THE LOCAL LAW ENFORCEMENT AGENCY OR ANY OTHER GOVERN-
6 MENT AGENCY RESPONSIBLE FOR SERVING EX PARTE ORDERS OF PROTECTION OR
7 SUMMONS TO COURT SHALL RECORD THE SERVICE OF ORDERS OF PROTECTION ON THE
8 COMPUTERIZED REGISTRY ESTABLISHED PURSUANT TO SECTION TWO HUNDRED TWEN-
9 TY-ONE-A OF THE EXECUTIVE LAW AT THE TIME WHEN SERVICE OCCURS. THE
10 PROVISIONS OF THIS SUBDIVISION SHALL ONLY APPLY TO THOSE COURT CLERKS
11 ABLE TO ACCESS A STATEWIDE VICTIM NOTIFICATION SYSTEM.

12 S 3. Section 446 of the family court act, as amended by chapter 948 of
13 the laws of 1984, the opening paragraph as amended by chapter 706 of the
14 laws of 1988, subdivisions (a), (b), (c), (d) and (e) as amended and
15 subdivision (i) as added by chapter 483 of the laws of 1995, subdivision
16 (h) as added and subdivision (i) as relettered by chapter 253 of the
17 laws of 2006, paragraph 1 of subdivision (h) as amended by chapter 532
18 of the laws of 2008, the second undesignated paragraph as amended by
19 chapter 326 of the laws of 2008 and the closing paragraph as added by
20 chapter 73 of the laws of 2007, is amended to read as follows:

21 S 446. Order of protection. 1. The court may make an order of
22 protection in assistance or as a condition of any other order made under
23 this part. The order of protection may set forth reasonable conditions
24 of behavior to be observed for a specified time by the petitioner or
25 respondent or both. No order of protection may direct any party to
26 observe conditions of behavior unless the party requesting the order of
27 protection has served and filed a petition or counter-claim in accord-
28 ance with section one hundred fifty-four-b of this act. Such an order
29 may require the petitioner or the respondent:

30 (a) to stay away from the home, school, business or place of employ-
31 ment of any other party, the other spouse, the other parent or the
32 child, and to stay away from any other specific location designated by
33 the court;

34 (b) to permit a parent, or a person entitled to visitation by a court
35 order or a separation agreement, to visit the child at stated periods;

36 (c) to refrain from committing a family offense, as defined in subdi-
37 vision one of section eight hundred twelve of this act, or any criminal
38 offense against the child or against the other parent or against any
39 person to whom custody of the child is awarded, or from harassing,
40 intimidating or threatening such persons;

41 (d) to permit a designated party to enter the residence during a spec-
42 ified period of time in order to remove personal belongings not in issue
43 in this proceeding or in any other proceeding or action under this act
44 or the domestic relations law;

45 (e) to refrain from acts of commission or omission that create an
46 unreasonable risk to the health, safety or welfare of a child;

47 (f) to participate in an educational program and to pay the costs
48 thereof if the person has the means to do so, provided however that
49 nothing contained herein shall be deemed to require payment of the costs
50 of any such program by the state or any political subdivision thereof;

51 (g) to provide, either directly or by means of medical and health
52 insurance, for expenses incurred for medical care and treatment arising
53 from the incident or incidents forming the basis for the issuance of the
54 order.

55 (h) [1.] (1) to refrain from intentionally injuring or killing, with-
56 out 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.

[2.] (2) "Companion animal", as used in this section, shall have the same meaning as in subdivision five of section three hundred fifty of the agriculture and markets law.

(i) to observe such other conditions as are necessary to further the purposes of protection.

2. The court may also award custody of the child, during the term of the order of protection to either parent, or to an appropriate relative within the second degree. Nothing in this section gives the court power to place or board out any child or to commit a child to an institution or agency. In making orders of protection, the court shall so act as to insure that in the care, protection, discipline and guardianship of the child his religious faith shall be preserved and protected.

3. Notwithstanding the foregoing provisions, an order of protection, or temporary order of protection where applicable, may be entered against a former spouse and persons who have a child in common, regardless of whether such persons have been married or have lived together at any time, or against a member of the same family or household as defined in subdivision one of section eight hundred twelve of this act.

4. In addition to the foregoing provisions, the court may issue an order, pursuant to section two hundred twenty-seven-c of the real property law, authorizing the party for whose benefit any order of protection has been issued to terminate a lease or rental agreement pursuant to section two hundred twenty-seven-c of the real property law.

5. THE CLERK OF THE COURT SHALL BE RESPONSIBLE FOR PROVIDING INFORMATION TO INDIVIDUALS PETITIONING FOR EX PARTE ORDERS OF PROTECTION REGARDING NOTIFICATION OF SERVICE OF AN ORDER OF PROTECTION. SUCH NOTIFICATION TO THE PETITIONER IS REQUIRED IF THE PETITIONER HAS REGISTERED A TELEPHONE NUMBER WITH THE STATE VICTIM NOTIFICATION SYSTEM. THE PETITIONER SHALL BE INFORMED OF HIS OR HER OPTION TO RECEIVE NOTIFICATION OF SERVICE OF AN EX PARTE ORDER OF PROTECTION OR SUMMONS ON THE RESPONDENT BY THE COURT CLERK AND SHALL BE PROVIDED INFORMATION ON HOW TO RECEIVE NOTIFICATION OF SERVICE OF EX PARTE ORDERS OF PROTECTION OR SUMMONS TO COURT. THE LOCAL LAW ENFORCEMENT AGENCY OR ANY OTHER GOVERNMENT AGENCY RESPONSIBLE FOR SERVING EX PARTE ORDERS OF PROTECTION OR SUMMONS TO COURT SHALL RECORD THE SERVICE OF ORDERS OF PROTECTION ON THE COMPUTERIZED REGISTRY ESTABLISHED PURSUANT TO SECTION TWO HUNDRED TWENTY-ONE-A OF THE EXECUTIVE LAW AT THE TIME WHEN SERVICE OCCURS. THE PROVISIONS OF THIS SUBDIVISION SHALL ONLY APPLY TO THOSE COURT CLERKS ABLE TO ACCESS A STATEWIDE VICTIM NOTIFICATION SYSTEM.

S 4. Section 551 of the family court act, as amended by chapter 948 of the laws of 1984, the opening paragraph as amended by chapter 706 of the laws of 1988, subdivisions (a), (b), (c), (d) and (e) as amended and subdivision (j) as added by chapter 483 of the laws of 1995, subdivision (i) as added and subdivision (j) as relettered by chapter 253 of the laws of 2006, paragraph 1 of subdivision (i) as amended by chapter 532 of the laws of 2008 and the closing paragraph as amended by chapter 326 of the laws of 2008, is amended to read as follows:

S 551. Order of protection. 1. The court may make an order of protection in assistance or as a condition of any other order made under this article. The order of protection may set forth reasonable conditions of behavior to be observed for a specified time by the petitioner or respondent or both. No order of protection may direct any party to observe conditions of behavior unless the party requesting the order of protection has served and filed a petition or counter-claim in accord-

1 ance with section one hundred fifty-four-b of this act. Such an order
2 may require the petitioner or the respondent:

3 (a) to stay away from the home, school, business or place of employ-
4 ment of any other party, the other parent, or the child, and to stay
5 away from any other specific location designated by the court;

6 (b) to permit a parent, or a person entitled to visitation by a court
7 order or a separation agreement to visit the child at stated periods;

8 (c) to refrain from committing a family offense, as defined in subdi-
9 vision one of section eight hundred twelve of this act, or any criminal
10 offense against the child or against the other parent or against any
11 person to whom custody of the child is awarded, or from harassing,
12 intimidating or threatening such persons;

13 (d) to permit a designated party to enter the residence during a spec-
14 ified period of time in order to remove personal belongings not in issue
15 in this proceeding or in any other proceeding or action under this act
16 or the domestic relations law;

17 (e) to refrain from acts of commission or omission that create an
18 unreasonable risk to the health, safety or welfare of a child;

19 (f) to participate in an educational program and to pay the costs
20 thereof if the person has the means to do so, provided, however, that
21 nothing contained herein shall be deemed to require payment of the costs
22 of any such program by the state or any political subdivision thereof;

23 (g) to provide, either directly or by means of medical and health
24 insurance, for expenses incurred for medical care and treatment arising
25 from the incident or incidents forming the basis for the issuance of the
26 order;

27 (h) to pay the reasonable counsel fees and disbursements involved in
28 obtaining or enforcing the order of the person who is protected by such
29 order if such order is issued or enforced, whether or not an order of
30 filiation is made.

31 (i) [1.] (1) to refrain from intentionally injuring or killing, with-
32 out justification, any companion animal the respondent knows to be
33 owned, possessed, leased, kept or held by the person protected by the
34 order or a minor child residing in such person's household.

35 [2.] (2) "Companion animal", as used in this section, shall have the
36 same meaning as in subdivision five of section three hundred fifty of
37 the agriculture and markets law.

38 (j) to observe such other conditions as are necessary to further the
39 purposes of protection.

40 2. The court may also award custody of the child, during the term of
41 the order of protection to either parent, or to an appropriate relative
42 within the second degree. Nothing in this section gives the court power
43 to place or board out any child or to commit a child to an institution
44 or agency. In making orders of protection, the court shall so act as to
45 insure that in the care, protection, discipline and guardianship of the
46 child his religious faith shall be preserved and protected.

47 3. Notwithstanding the foregoing provisions, an order of protection,
48 or temporary order of protection where applicable, may be entered
49 against a former spouse and persons who have a child in common, regard-
50 less of whether such persons have been married or have lived together at
51 any time, or against a member of the same family or household as defined
52 in subdivision one of section eight hundred twelve of this act.

53 4. THE CLERK OF THE COURT SHALL BE RESPONSIBLE FOR PROVIDING INFORMA-
54 TION TO INDIVIDUALS PETITIONING FOR EX PARTE ORDERS OF PROTECTION
55 REGARDING NOTIFICATION OF SERVICE OF AN ORDER OF PROTECTION. SUCH
56 NOTIFICATION TO THE PETITIONER IS REQUIRED IF THE PETITIONER HAS REGIS-

1 TERED A TELEPHONE NUMBER WITH THE STATE VICTIM NOTIFICATION SYSTEM. THE
2 PETITIONER SHALL BE INFORMED OF HIS OR HER OPTION TO RECEIVE NOTIFICA-
3 TION OF SERVICE OF AN EX PARTE ORDER OF PROTECTION OR SUMMONS ON THE
4 RESPONDENT BY THE COURT CLERK AND SHALL BE PROVIDED INFORMATION ON HOW
5 TO RECEIVE NOTIFICATION OF SERVICE OF EX PARTE ORDERS OF PROTECTION OR
6 SUMMONS TO COURT. THE LOCAL LAW ENFORCEMENT AGENCY OR ANY OTHER GOVERN-
7 MENT AGENCY RESPONSIBLE FOR SERVING EX PARTE ORDERS OF PROTECTION OR
8 SUMMONS TO COURT SHALL RECORD THE SERVICE OF ORDERS OF PROTECTION ON THE
9 COMPUTERIZED REGISTRY ESTABLISHED PURSUANT TO SECTION TWO HUNDRED TWEN-
10 TY-ONE-A OF THE EXECUTIVE LAW AT THE TIME WHEN SERVICE OCCURS. THE
11 PROVISIONS OF THIS SUBDIVISION SHALL ONLY APPLY TO THOSE COURT CLERKS
12 ABLE TO ACCESS A STATEWIDE VICTIM NOTIFICATION SYSTEM.

13 S 5. Section 656 of the family court act, as amended by chapter 948 of
14 the laws of 1984, the opening paragraph as amended by chapter 706 of the
15 laws of 1988, subdivisions (a), (b), (c), (d) and (e) as amended and
16 subdivision (j) as added by chapter 483 of the laws of 1995, subdivision
17 (i) as added and subdivision (j) as relettered by chapter 253 of the
18 laws of 2006, the second undesignated paragraph as amended by chapter
19 326 of the laws of 2008 and the closing paragraph as added by chapter 73
20 of the laws of 2007, is amended to read as follows:

21 S 656. Order of protection. 1. The court may make an order of
22 protection and an order of probation in assistance or as a condition of
23 any other order made under this part. The order of protection may set
24 forth reasonable conditions of behavior to be observed for a specific
25 time by any petitioner or any respondent, and shall specify if an order
26 of probation is in effect. No order of protection may direct any party
27 to observe conditions of behavior unless the party requesting the order
28 of protection has served and filed a petition or counter-claim in
29 accordance with section one hundred fifty-four-b of this act. Such an
30 order may require the petitioner or the respondent:

31 (a) to stay away from the home, school, business or place of employ-
32 ment of any other party, the other spouse or parent, or the child, and
33 to stay away from any other specific location designated by the court;

34 (b) to permit a parent, or a person entitled to visitation by a court
35 order or a separation agreement, to visit the child at stated periods;

36 (c) to refrain from committing a family offense, as defined in subdi-
37 vision one of section eight hundred twelve of this act, or any criminal
38 offense against the child or against the other parent or against any
39 person to whom custody of the child is awarded, or from harassing,
40 intimidating or threatening such persons;

41 (d) to permit a designated party to enter the residence during a spec-
42 ified period of time in order to remove personal belongings not in issue
43 in this proceeding or in any other proceeding or action under this act
44 or the domestic relations law;

45 (e) to refrain from acts of commission or omission that create an
46 unreasonable risk to the health, safety or welfare of a child;

47 (f) to participate in an educational program and to pay the costs
48 thereof if the person has the means to do so, provided however that
49 nothing contained herein shall be deemed to require payment of the costs
50 of any such program by the state or any political subdivision thereof;

51 (g) to provide, either directly or by means of medical and health
52 insurance, for expenses incurred for medical care and treatment arising
53 from the incident or incidents forming the basis for the issuance of the
54 order;

1 (h) to pay the reasonable counsel fees and disbursements involved in
2 obtaining or enforcing the order of the person who is protected by such
3 order if such order is issued or enforced.

4 (i) [1.] (1) to refrain from intentionally injuring or killing, with-
5 out justification, any companion animal the respondent knows to be
6 owned, possessed, leased, kept or held by the petitioner or a minor
7 child residing in the household.

8 [2.] (2) "Companion animal", as used in this section, shall have the
9 same meaning as in subdivision five of section three hundred fifty of
10 the agriculture and markets law.

11 (j) to observe such other conditions as are necessary to further the
12 purposes of protection.

13 2. The court shall not require anyone seeking an order of protection
14 under this section to first request that child protective services
15 investigate the allegations or to first request permission to file a
16 petition under article ten of this act.

17 3. Notwithstanding the foregoing provisions, an order of protection,
18 or temporary order of protection where applicable, may be entered
19 against a former spouse and persons who have a child in common, regard-
20 less of whether such persons have been married or have lived together at
21 any time, or against a member of the same family or household as defined
22 in subdivision one of section eight hundred twelve of this act.

23 4. In addition to the foregoing provisions, the court may issue an
24 order, pursuant to section two hundred twenty-seven-c of the real prop-
25 erty law, authorizing the party for whose benefit any order of
26 protection has been issued to terminate a lease or rental agreement
27 pursuant to section two hundred twenty-seven-c of the real property law.

28 5. THE CLERK OF THE COURT SHALL BE RESPONSIBLE FOR PROVIDING INFORMA-
29 TION TO INDIVIDUALS PETITIONING FOR EX PARTE ORDERS OF PROTECTION
30 REGARDING NOTIFICATION OF SERVICE OF AN ORDER OF PROTECTION. SUCH
31 NOTIFICATION TO THE PETITIONER IS REQUIRED IF THE PETITIONER HAS REGIS-
32 TERED A TELEPHONE NUMBER WITH THE STATE VICTIM NOTIFICATION SYSTEM. THE
33 PETITIONER SHALL BE INFORMED OF HIS OR HER OPTION TO RECEIVE NOTIFICA-
34 TION OF SERVICE OF AN EX PARTE ORDER OF PROTECTION OR SUMMONS ON THE
35 RESPONDENT BY THE COURT CLERK AND SHALL BE PROVIDED INFORMATION ON HOW
36 TO RECEIVE NOTIFICATION OF SERVICE OF EX PARTE ORDERS OF PROTECTION OR
37 SUMMONS TO COURT. THE LOCAL LAW ENFORCEMENT AGENCY OR ANY OTHER GOVERN-
38 MENT AGENCY RESPONSIBLE FOR SERVING EX PARTE ORDERS OF PROTECTION OR
39 SUMMONS TO COURT SHALL RECORD THE SERVICE OF ORDERS OF PROTECTION ON THE
40 COMPUTERIZED REGISTRY ESTABLISHED PURSUANT TO SECTION TWO HUNDRED TWEN-
41 TY-ONE-A OF THE EXECUTIVE LAW AT THE TIME WHEN SERVICE OCCURS. THE
42 PROVISIONS OF THIS SUBDIVISION SHALL ONLY APPLY TO THOSE COURT CLERKS
43 ABLE TO ACCESS A STATEWIDE VICTIM NOTIFICATION SYSTEM.

44 S 6. Section 842 of the family court act, as amended by chapter 222 of
45 the laws of 1994, the opening paragraph as amended by chapter 579 of the
46 laws of 2003, subdivisions (a), (b), (c), (d) and (e) as amended and
47 subdivision (j) as added by chapter 483 of the laws of 1995, subdivision
48 (i) as added and subdivision (j) as relettered by chapter 253 of the
49 laws of 2006, the third undesignated paragraph as amended by chapter 224
50 of the laws of 1994, the sixth undesignated paragraph as added by
51 section 8 of part D of chapter 56 of the laws of 2008, the seventh
52 undesignated paragraph as amended by chapter 326 of the laws of 2008 and
53 the closing paragraph as added by chapter 73 of the laws of 2007, is
54 amended to read as follows:

55 S 842. Order of protection. 1. An order of protection under section
56 eight hundred forty-one of this part shall set forth reasonable condi-

tions of behavior to be observed for a period not in excess of two years by the petitioner or respondent or for a period not in excess of five years upon (i) a finding by the court on the record of the existence of aggravating circumstances as defined in paragraph (vii) of subdivision (a) of section eight hundred twenty-seven of this article; or (ii) a finding by the court on the record that the conduct alleged in the petition is in violation of a valid order of protection. Any finding of aggravating circumstances pursuant to this section shall be stated on the record and upon the order of protection. Any order of protection issued pursuant to this section shall specify if an order of probation is in effect. Any order of protection issued pursuant to this section may require the petitioner or the respondent:

(a) to stay away from the home, school, business or place of employment of any other party, the other spouse, the other parent, or the child, and to stay away from any other specific location designated by the court, provided that the court shall make a determination, and shall state such determination in a written decision or on the record, whether to impose a condition pursuant to this [subdivision] PARAGRAPH, provided further, however, that failure to make such a determination shall not affect the validity of such order of protection. In making such determination, the court shall consider, but shall not be limited to consideration of, whether the order of protection is likely to achieve its purpose in the absence of such a condition, conduct subject to prior orders of protection, prior incidents of abuse, extent of past or present injury, threats, drug or alcohol abuse, and access to weapons;

(b) to permit a parent, or a person entitled to visitation by a court order or a separation agreement, to visit the child at stated periods;

(c) to refrain from committing a family offense, as defined in subdivision one of section eight hundred twelve of this [act] ARTICLE, or any criminal offense against the child or against the other parent or against any person to whom custody of the child is awarded, or from harassing, intimidating or threatening such persons;

(d) to permit a designated party to enter the residence during a specified period of time in order to remove personal belongings not in issue in this proceeding or in any other proceeding or action under this act or the domestic relations law;

(e) to refrain from acts of commission or omission that create an unreasonable risk to the health, safety or welfare of a child;

(f) to pay the reasonable counsel fees and disbursements involved in obtaining or enforcing the order of the person who is protected by such order if such order is issued or enforced;

(g) to require the respondent to participate in a batterer's education program designed to help end violent behavior, which may include referral to drug and alcohol counselling, and to pay the costs thereof if the person has the means to do so, provided however that nothing contained herein shall be deemed to require payment of the costs of any such program by the petitioner, the state or any political subdivision thereof; and

(h) to provide, either directly or by means of medical and health insurance, for expenses incurred for medical care and treatment arising from the incident or incidents forming the basis for the issuance of the order.

(i) [1.] (1) to refrain from intentionally injuring or killing, without justification, any companion animal the respondent knows to be owned, possessed, leased, kept or held by the petitioner or a minor child residing in the household.

1 [2.] (2) "Companion animal", as used in this section, shall have the
2 same meaning as in subdivision five of section three hundred fifty of
3 the agriculture and markets law.

4 (j) to observe such other conditions as are necessary to further the
5 purposes of protection.

6 2. The court may also award custody of the child, during the term of
7 the order of protection to either parent, or to an appropriate relative
8 within the second degree. Nothing in this section gives the court power
9 to place or board out any child or to commit a child to an institution
10 or agency. The court may also upon the showing of special circumstances
11 extend the order of protection for a reasonable period of time.

12 3. Notwithstanding the provisions of section eight hundred seventeen
13 of this article, where a temporary order of child support has not
14 already been issued, the court may in addition to the issuance of an
15 order of protection pursuant to this section, issue an order for tempo-
16 rary child support in an amount sufficient to meet the needs of the
17 child, without a showing of immediate or emergency need. The court shall
18 make an order for temporary child support notwithstanding that informa-
19 tion with respect to income and assets of the respondent may be unavail-
20 able. Where such information is available, the court may make an award
21 for temporary child support pursuant to the formula set forth in subdi-
22 vision one of section four hundred thirteen of this act. Temporary
23 orders of support issued pursuant to this article shall be deemed to
24 have been issued pursuant to section four hundred thirteen of this act.

25 4. Upon making an order for temporary child support pursuant to this
26 subdivision, the court shall advise the petitioner of the availability
27 of child support enforcement services by the support collection unit of
28 the local department of social services, to enforce the temporary order
29 and to assist in securing continued child support, and shall set the
30 support matter down for further proceedings in accordance with article
31 four of this act.

32 5. Where the court determines that the respondent has employer-provid-
33 ed medical insurance, the court may further direct, as part of an order
34 of temporary support under this subdivision, that a medical support
35 execution be issued and served upon the respondent's employer as
36 provided for in section fifty-two hundred forty-one of the civil prac-
37 tice law and rules.

38 6. In any proceeding in which an order of protection or temporary
39 order of protection or a warrant has been issued under this section, the
40 clerk of the court shall issue to the petitioner and respondent and his
41 counsel and to any other person affected by the order a copy of the
42 order of protection or temporary order of protection and ensure that a
43 copy of the order of protection or temporary order of protection be
44 transmitted to the local correctional facility where the individual is
45 or will be detained, the state or local correctional facility where the
46 individual is or will be imprisoned, and the supervising probation
47 department or division of parole where the individual is under probation
48 or parole supervision.

49 7. Notwithstanding the foregoing provisions, an order of protection,
50 or temporary order of protection where applicable, may be entered
51 against a former spouse and persons who have a child in common, regard-
52 less of whether such persons have been married or have lived together at
53 any time, or against a member of the same family or household as defined
54 in subdivision one of section eight hundred twelve of this article.

55 8. In addition to the foregoing provisions, the court may issue an
56 order, pursuant to section two hundred twenty-seven-c of the real prop-

erty law, authorizing the party for whose benefit any order of protection has been issued to terminate a lease or rental agreement pursuant to section two hundred twenty-seven-c of the real property law.

9. THE CLERK OF THE COURT SHALL BE RESPONSIBLE FOR PROVIDING INFORMATION TO INDIVIDUALS PETITIONING FOR EX PARTE ORDERS OF PROTECTION REGARDING NOTIFICATION OF SERVICE OF AN ORDER OF PROTECTION. SUCH NOTIFICATION TO THE PETITIONER IS REQUIRED IF THE PETITIONER HAS REGISTERED A TELEPHONE NUMBER WITH THE STATE VICTIM NOTIFICATION SYSTEM. THE PETITIONER SHALL BE INFORMED OF HIS OR HER OPTION TO RECEIVE NOTIFICATION OF SERVICE OF AN EX PARTE ORDER OF PROTECTION OR SUMMONS ON THE RESPONDENT BY THE COURT CLERK AND SHALL BE PROVIDED INFORMATION ON HOW TO RECEIVE NOTIFICATION OF SERVICE OF EX PARTE ORDERS OF PROTECTION OR SUMMONS TO COURT. THE LOCAL LAW ENFORCEMENT AGENCY OR ANY OTHER GOVERNMENT AGENCY RESPONSIBLE FOR SERVING EX PARTE ORDERS OF PROTECTION OR SUMMONS TO COURT SHALL RECORD THE SERVICE OF ORDERS OF PROTECTION ON THE COMPUTERIZED REGISTRY ESTABLISHED PURSUANT TO SECTION TWO HUNDRED TWENTY-ONE-A OF THE EXECUTIVE LAW AT THE TIME WHEN SERVICE OCCURS. THE PROVISIONS OF THIS SUBDIVISION SHALL ONLY APPLY TO THOSE COURT CLERKS ABLE TO ACCESS A STATEWIDE VICTIM NOTIFICATION SYSTEM.

S 7. This act shall take effect immediately.