

2009-2010 Regular Sessions

I N S E N A T E

(PREFILED)

January 7, 2009

Introduced by Sen. KRUGER -- read twice and ordered printed, and when printed to be committed to the Committee on Social Services, Children and Families

AN ACT to amend the domestic relations law and the family court act, in relation to requiring posting of a bond in custody proceedings

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

1 Section 1. Section 240 of the domestic relations law is amended by
2 adding a new subdivision 6 to read as follows:

3 6. POSTING OF BOND. AS PART OF A CHILD SUPPORT ORDER, IN ANY CASE
4 WHERE THE COURT REASONABLY DETERMINES THAT THERE IS A RISK THAT A
5 NONCUSTODIAL PARENT MAY FLEE, THE COURT MAY ORDER THE NONCUSTODIAL
6 PARENT TO POST A BOND IN AN AMOUNT DETERMINED BY THE COURT, TO ENSURE
7 THAT ANY CHILD SUBJECT TO SUCH ORDER IS RETURNED TO THE CUSTODIAL PARENT
8 AT THE END OF ANY VISITATION PERIOD PROVIDED FOR THEREIN. THE AMOUNT OF
9 SUCH BOND SHALL BE BASED UPON ALL THE FACTS AND CIRCUMSTANCES AVAILABLE
10 TO THE COURT IN ASSESSING WHAT IS IN THE BEST INTEREST OF THE CHILD.

11 S 2. Section 447 of the family court act is amended by adding a new
12 subdivision (c) to read as follows:

13 (C) AS PART OF ANY ORDER UNDER THIS SECTION, IN ANY CASE WHERE THE
14 COURT REASONABLY DETERMINES THAT THERE IS A RISK THAT A NONCUSTODIAL
15 PARENT MAY FLEE, THE COURT MAY ORDER THE NONCUSTODIAL PARENT TO POST A
16 BOND IN AN AMOUNT DETERMINED BY THE COURT, TO ENSURE THAT ANY CHILD
17 SUBJECT TO SUCH ORDER IS RETURNED TO THE CUSTODIAL PARENT AT THE END OF
18 ANY VISITATION PERIOD PROVIDED FOR THEREIN. THE AMOUNT OF SUCH BOND
19 SHALL BE BASED UPON ALL THE FACTS AND CIRCUMSTANCES AVAILABLE TO THE
20 COURT IN ASSESSING WHAT IS IN THE BEST INTEREST OF THE CHILD.

21 S 3. Section 467 of the family court act is amended by adding a new
22 subdivision (d) to read as follows:

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

1 (D) AS PART OF A DETERMINATION OF AN APPLICATION PURSUANT TO THIS
2 SECTION, IN ANY CASE WHERE THE COURT REASONABLY DETERMINES THAT THERE IS
3 A RISK THAT A NONCUSTODIAL PARENT MAY FLEE, THE COURT MAY ORDER THE
4 NONCUSTODIAL PARENT TO POST A BOND IN AN AMOUNT DETERMINED BY THE COURT,
5 TO ENSURE THAT ANY CHILD SUBJECT TO SUCH ORDER IS RETURNED TO THE CUSTO-
6 DIAL PARENT AT THE END OF ANY VISITATION PERIOD PROVIDED FOR THEREIN.
7 THE AMOUNT OF SUCH BOND SHALL BE BASED UPON ALL THE FACTS AND CIRCUM-
8 STANCES AVAILABLE TO THE COURT IN ASSESSING WHAT IS IN THE BEST INTEREST
9 OF THE CHILD.

10 S 4. Section 549 of the family court act is amended by adding a new
11 subdivision (c) to read as follows:

12 (C) AS PART OF AN ORDER UNDER THIS SECTION, IN ANY CASE WHERE THE
13 COURT REASONABLY DETERMINES THAT THERE IS A RISK THAT A NONCUSTODIAL
14 PARENT MAY FLEE, THE COURT MAY ORDER THE NONCUSTODIAL PARENT TO POST A
15 BOND IN AN AMOUNT DETERMINED BY THE COURT, TO ENSURE THAT ANY CHILD
16 SUBJECT TO SUCH ORDER IS RETURNED TO THE CUSTODIAL PARENT AT THE END OF
17 ANY VISITATION PERIOD PROVIDED FOR THEREIN. THE AMOUNT OF SUCH BOND
18 SHALL BE BASED UPON ALL THE FACTS AND CIRCUMSTANCES AVAILABLE TO THE
19 COURT IN ASSESSING WHAT IS IN THE BEST INTEREST OF THE CHILD.

20 S 5. Section 651 of the family court act is amended by adding a new
21 subdivision (f) to read as follows:

22 (F) AS PART OF ANY DETERMINATION UNDER THIS SECTION, IN ANY CASE WHERE
23 THE COURT REASONABLY DETERMINES THAT THERE IS A RISK THAT A NONCUSTODIAL
24 PARENT MAY FLEE, THE COURT MAY ORDER THE NONCUSTODIAL PARENT TO POST A
25 BOND IN AN AMOUNT DETERMINED BY THE COURT, TO ENSURE THAT ANY CHILD
26 SUBJECT TO SUCH ORDER IS RETURNED TO THE CUSTODIAL PARENT AT THE END OF
27 ANY VISITATION PERIOD PROVIDED FOR THEREIN. THE AMOUNT OF SUCH BOND
28 SHALL BE BASED UPON ALL THE FACTS AND CIRCUMSTANCES AVAILABLE TO THE
29 COURT IN ASSESSING WHAT IS IN THE BEST INTEREST OF THE CHILD.

30 S 6. Section 652 of the family court act is amended by adding a new
31 subdivision (d) to read as follows:

32 (D) IN ANY DETERMINATION OF AN APPLICATION PURSUANT TO THIS SECTION,
33 IN ANY CASE WHERE THE COURT REASONABLY DETERMINES THAT THERE IS A RISK
34 THAT A NONCUSTODIAL PARENT MAY FLEE, THE COURT MAY ORDER THE NONCUSTO-
35 DIAL PARENT TO POST A BOND IN AN AMOUNT DETERMINED BY THE COURT, TO
36 ENSURE THAT ANY CHILD SUBJECT TO SUCH ORDER IS RETURNED TO THE CUSTODIAL
37 PARENT AT THE END OF ANY VISITATION PERIOD PROVIDED FOR THEREIN. THE
38 AMOUNT OF SUCH BOND SHALL BE BASED UPON ALL THE FACTS AND CIRCUMSTANCES
39 AVAILABLE TO THE COURT IN ASSESSING WHAT IS IN THE BEST INTEREST OF THE
40 CHILD.

41 S 7. This act shall take effect on the first of November next succeed-
42 ing the date on which it shall have become a law.