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

165

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:

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

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

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

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

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

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

LBD02048-01-9

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

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

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

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

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

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

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

S 7. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.