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

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:

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

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

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

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

(I) PROVIDE PROPER CARE AND SUPERVISION TO THE CHILD AND COOPERATE IN OBTAINING, ACCEPTING OR ALLOWING MEDICAL OR PSYCHIATRIC DIAGNOSIS OR TREATMENT, ALCOHOLISM OR DRUG ABUSE TREATMENT, COUNSELING OR CHILD GUIDANCE SERVICES FOR THE CHILD;

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

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

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

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

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

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

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

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