

10440

I N A S S E M B L Y

March 25, 2010

Introduced by M. of A. WEINSTEIN -- read once and referred to the  
Committee on Social Services

AN ACT to amend the social services law, in relation to the definitions  
of "victim of domestic violence" and "family and household members"  
for the purposes of domestic violence prevention

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

- 1 Section 1. Subdivisions 1 and 2 of section 459-a of the social  
2 services law, as added by chapter 838 of the laws of 1987, are amended  
3 to read as follows:  
4 1. "Victim of domestic violence" means any person over the age of  
5 sixteen, any married person or any parent accompanied by his or her  
6 minor child or children in situations in which such person or such  
7 person's child is a victim of an act which would constitute a violation  
8 of the penal law, including, but not limited to acts constituting disor-  
9 derly conduct, harassment, SEXUAL MISCONDUCT, FORCIBLE TOUCHING, SEXUAL  
10 ABUSE, STALKING, CRIMINAL MISCHIEF, menacing, reckless endangerment,  
11 kidnapping, assault, attempted assault, or attempted murder; and  
12 (i) such act or acts have resulted in actual physical or emotional  
13 injury or have created a substantial risk of physical or emotional harm  
14 to such person or such person's child; and  
15 (ii) such act or acts are or are alleged to have been committed by a  
16 family or household member.  
17 2. "Family or household members" mean the following individuals:  
18 (a) persons related by consanguinity or affinity;  
19 (b) persons legally married to one another;  
20 (c) persons formerly married to one another regardless of whether  
21 they still reside in the same household;  
22 (d) persons who have a child in common regardless of whether such  
23 persons are married or have lived together at any time;  
24 (e) unrelated persons who are continually or at regular intervals  
25 living in the same household or who have in the past continually or at  
26 regular intervals lived in the same household; [or]

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

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1 (f) PERSONS WHO ARE NOT RELATED BY CONSANGUINITY OR AFFINITY AND WHO  
2 ARE OR HAVE BEEN IN AN INTIMATE RELATIONSHIP REGARDLESS OF WHETHER SUCH  
3 PERSONS HAVE LIVED TOGETHER AT ANY TIME. FACTORS THE COURT MAY CONSIDER  
4 IN DETERMINING WHETHER A RELATIONSHIP IS AN "INTIMATE RELATIONSHIP"  
5 INCLUDE, BUT ARE NOT LIMITED TO: THE NATURE OR TYPE OF RELATIONSHIP,  
6 REGARDLESS OF WHETHER THE RELATIONSHIP IS SEXUAL IN NATURE; THE FREQUEN-  
7 CY OF INTERACTION BETWEEN THE PERSONS; AND THE DURATION OF THE RELATION-  
8 SHIP. NEITHER A CASUAL ACQUAINTANCE NOR ORDINARY FRATERNIZATION BETWEEN  
9 TWO INDIVIDUALS IN BUSINESS OR SOCIAL CONTEXTS SHALL BE DEEMED TO  
10 CONSTITUTE AN "INTIMATE RELATIONSHIP"; OR

11 (G) any other category of individuals deemed to be a victim of domes-  
12 tic violence as defined by the [department] OFFICE OF CHILDREN AND  
13 FAMILY SERVICES in regulation.

14 S 2. This act shall take effect immediately.