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

10851--A

Cal. No. 875

I N A S S E M B L Y

April 26, 2010

Introduced by M. of A. WEINSTEIN, D. WEPRIN -- read once and referred to the Committee on Judiciary -- reported from committee, advanced to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

AN ACT to amend the judiciary law, in relation to granting the chief administrator of the courts the authority to allow referees to determine applications for orders of protection during the hours family court is in session; to repeal paragraph (n) of subdivision 2 of section 212 of such law relating thereto; and providing for the repeal of such provision upon expiration thereof

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

Section 1. Paragraph (n) of subdivision 2 of section 212 of the judiciary law is REPEALED and a new paragraph (n) is added to read as follows:

(N) HAVE THE POWER TO AUTHORIZE A COURT UNDER SUBDIVISION (B) OF SECTION FORTY-THREE HUNDRED SEVENTEEN OF THE CIVIL PRACTICE LAW AND RULES TO ORDER A REFERENCE TO DETERMINE AN APPLICATION FOR AN ORDER OF PROTECTION (INCLUDING A TEMPORARY ORDER OF PROTECTION) THAT, IN ACCORDANCE WITH LAW, IS MADE EX PARTE OR WHERE ALL PARTIES BESIDES THE APPLICANT DEFAULT IN APPEARANCE; PROVIDED, HOWEVER, THIS PARAGRAPH SHALL ONLY APPLY TO APPLICATIONS BROUGHT IN FAMILY COURT DURING THE HOURS THAT THE COURT IS IN SESSION, AND AFTER FIVE O'CLOCK P.M. TRAINING ABOUT DOMESTIC VIOLENCE SHALL BE REQUIRED FOR ALL PERSONS WHO ARE DESIGNATED TO SERVE AS REFERENCES AS PROVIDED IN THIS PARAGRAPH.

S 2. This act shall take effect immediately; provided that paragraph (n) of subdivision 2 of section 212 of the judiciary law, as added by section one of this act, shall expire and be deemed repealed September 1, 2012.

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

LBD17004-02-0