

2984

2009-2010 Regular Sessions

I N A S S E M B L Y

January 22, 2009

Introduced by M. of A. CHRISTENSEN, COOK, JAFFEE -- Multi-Sponsored by  
-- M. of A. GALEF, HYER-SPENCER, JACOBS -- read once and referred to  
the Committee on Judiciary

AN ACT to amend the family court act, in relation to an order of  
protection

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

1 Section 1. Section 759 of the family court act is amended by adding a  
2 new closing paragraph to read as follows:

3 IN CASES WHERE IT IS ALLEGED AND THERE IS CAUSE TO BELIEVE THAT AN  
4 INDIVIDUAL HAS COMMITTED ACTS THAT CONSTITUTE THREAT OF HARM, AND WHERE  
5 THE THREATENED INDIVIDUAL REQUESTS, THE COURT SHALL FULLY CONSIDER THAT  
6 THE ORDER OF PROTECTION BAR THE RESPONDENT FROM THE HOME. IN SUCH CASES  
7 WHERE AN INDIVIDUAL HAS BEEN BARRED FROM THE HOME, THE INDIVIDUAL SHALL  
8 BE ENTITLED TO A HEARING ON THE ORDER WITHIN SEVEN DAYS AFTER IT IS  
9 ISSUED.

10 S 2. Section 842 of the family court act is amended by adding a new  
11 closing paragraph to read as follows:

12 IN CASES WHERE IT IS ALLEGED AND THERE IS CAUSE TO BELIEVE THAT AN  
13 INDIVIDUAL HAS COMMITTED ACTS THAT CONSTITUTE THREAT OF HARM, AND WHERE  
14 THE THREATENED INDIVIDUAL REQUESTS, THE COURT SHALL FULLY CONSIDER THAT  
15 THE ORDER OF PROTECTION BAR THE RESPONDENT FROM THE HOME. IN SUCH CASES  
16 WHERE AN INDIVIDUAL HAS BEEN BARRED FROM THE HOME, THE INDIVIDUAL SHALL  
17 BE ENTITLED TO A HEARING ON THE ORDER WITHIN SEVEN DAYS AFTER IT IS  
18 ISSUED.

19 S 3. This act shall take effect immediately.

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

LBD05496-01-9