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

390

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. JOHN -- read once and referred to the Committee on Judiciary

AN ACT to amend the judiciary law, in relation to authorizing references for orders of protection to judicial hearing officers or referees

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, as amended by chapter 326 of the laws of 2008, is amended 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 A JUDICIAL HEARING OFFICER OR REFEREE 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 JUDICIAL HEARING OFFICERS AND REFEREES AND all OTHER persons who are designated to serve as references as provided in this paragraph.

S 2. This act shall take effect immediately; provided that the amendments to paragraph (n) of subdivision 2 of section 212 of the judiciary law made by section one of this act shall not affect the repeal of such paragraph, as provided by section 2 of chapter 340 of the laws of 2001, as amended, and shall be deemed repealed therewith.

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

LBD02605-01-9