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

5212

2009-2010 Regular Sessions

I N A S S E M B L Y

February 11, 2009

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

AN ACT to amend the family court act, in relation to the time of appeal

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

Section 1. Section 1113 of the family court act, as amended by chapter 461 of the laws of 1997, is amended to read as follows:

S 1113. Time of appeal. An appeal under this article must be taken no later than thirty days after the service by [a] THE COURT, A party or the law guardian upon the appellant of any order from which the appeal is taken, OR thirty days from receipt of the order by the appellant in court [or thirty-five days from the mailing of the order to the appellant by the clerk of the court], whichever is earliest.

All such orders shall contain the following statement in conspicuous print: "Pursuant to section 1113 of the family court act, an appeal must be taken within thirty days of receipt of the order by appellant in court, [thirty-five days from the mailing of the order to the appellant by the clerk of the court,] or thirty days after service by THE COURT, a party or law guardian upon the appellant, whichever is earliest." When service of the order is made by the court, the time to take an appeal shall not commence unless the order contains such statement and there is an official notation in the court record as to the date and the manner of service of the order.

S 2. This act shall take effect immediately and shall apply to any orders of the family court which are issued on or after such date.

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

LBD07477-01-9