

1292

2009-2010 Regular Sessions

I N S E N A T E

January 28, 2009

Introduced by Sens. MONTGOMERY, ADAMS, DIAZ, DUANE, HASSELL-THOMPSON, KRUEGER, ONORATO, SAMPSON, SCHNEIDERMAN, SERRANO, THOMPSON -- read twice and ordered printed, and when printed to be committed to the Committee on Children and Families

AN ACT to amend the family court act, in relation to requiring attendance of parents and other persons legally responsible at counseling in certain instances

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

1 Section 1. Section 302.1 of the family court act is amended by adding
2 a new subdivision 3 to read as follows:
3 3. THE COURT SHALL HAVE JURISDICTION OVER THE PARENT OR OTHER PERSON
4 LEGALLY RESPONSIBLE FOR THE RESPONDENT FOR THE LIMITED PURPOSE OF
5 REQUIRING AND SECURING THE ATTENDANCE OF SUCH PARENT OR OTHER PERSON
6 LEGALLY RESPONSIBLE AT ANY COUNSELING FOR THE RESPONDENT PURSUANT TO
7 PART FIVE OF THIS ARTICLE.
8 S 2. The family court act is amended by adding a new section 353.7 to
9 read as follows:
10 S 353.7. COUNSELING; PARENT OR OTHER PERSON LEGALLY RESPONSIBLE. THE
11 PARENT OR OTHER PERSON LEGALLY RESPONSIBLE FOR A PERSON SUBJECT TO AN
12 ORDER PURSUANT TO THIS PART SHALL ATTEND ANY AND ALL COUNSELING TO WHICH
13 SUCH PERSON IS REQUIRED TO ATTEND PURSUANT TO SUCH ORDER. WHEN MAKING
14 SUCH AN ORDER, THE COURT SHALL CONSIDER AND TAKE ACCOUNT OF SUCH PARENT
15 OR OTHER LEGALLY RESPONSIBLE PERSON'S LEGITIMATE RESPONSIBILITIES,
16 INCLUDING BUT NOT LIMITED TO EMPLOYMENT RESPONSIBILITIES AND ACTIVITIES
17 RELATING TO OTHER CHILDREN IN HIS OR HER CARE.
18 S 3. Section 713 of the family court act, as amended by chapter 920 of
19 the laws of 1982, is amended to read as follows:
20 S 713. Jurisdiction. The family court has exclusive original jurisdiction
21 over any proceeding involving a person alleged to be a person in
22 need of supervision. THE FAMILY COURT SHALL ALSO HAVE JURISDICTION OVER

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

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1 THE PARENT OR OTHER PERSON LEGALLY RESPONSIBLE FOR A PERSON ALLEGED TO
2 BE A PERSON IN NEED OF SUPERVISION FOR THE LIMITED PURPOSE OF REQUIRING
3 AND SECURING THE ATTENDANCE OF SUCH PARENT OR OTHER PERSON LEGALLY
4 RESPONSIBLE AT ANY COUNSELING REQUIRED PURSUANT TO PART FIVE OF THIS
5 ARTICLE.

6 S 4. The family court act is amended by adding a new section 756-b to
7 read as follows:

8 S 756-B. COUNSELING; PARENT OR OTHER PERSON LEGALLY RESPONSIBLE. THE
9 PARENT OR OTHER PERSON LEGALLY RESPONSIBLE FOR A PERSON SUBJECT TO AN
10 ORDER PURSUANT TO THIS PART SHALL ATTEND ANY AND ALL COUNSELING TO WHICH
11 SUCH PERSON IS REQUIRED TO ATTEND PURSUANT TO SUCH ORDER. WHEN MAKING
12 SUCH AN ORDER, THE COURT SHALL CONSIDER AND TAKE ACCOUNT OF SUCH PARENT
13 OR OTHER LEGALLY RESPONSIBLE PERSON'S LEGITIMATE RESPONSIBILITIES,
14 INCLUDING BUT NOT LIMITED TO EMPLOYMENT RESPONSIBILITIES AND ACTIVITIES
15 RELATING TO OTHER CHILDREN IN HIS OR HER CARE.

16 S 5. This act shall take effect on the first of November next succeed-
17 ing the date on which it shall have become a law.