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

3953

2009-2010 Regular Sessions

I N S E N A T E

April 7, 2009

Introduced by Sen. OPPENHEIMER -- 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 an order of protection

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

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

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

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

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

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