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

4389

2009-2010 Regular Sessions

I N S E N A T E

April 22, 2009

Introduced by Sen. MONTGOMERY -- (at request of the Office of Court Administration) -- read twice and ordered printed, and when printed to be committed to the Committee on Children and Families

AN ACT to amend the domestic relations law, the family court act and the executive law, in relation to the issuance of orders of custody and visitation

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

Section 1. Subparagraph 1 of paragraph (a-1) of subdivision 1 of section 240 of the domestic relations law, as added by chapter 595 of the laws of 2008, is amended to read as follows:

(1) Permanent, temporary or successive temporary orders of custody or visitation. Prior to the issuance of any permanent[,] OR temporary [or] ORDER OF CUSTODY OR VISITATION OR, WHERE MORE THAN NINETY DAYS HAVE PASSED SINCE THE LAST REVIEW OF DECISIONS AND REPORTS UNDER THIS SUBPARAGRAPH, PRIOR TO THE ISSUANCE OF ANY successive temporary order of custody or visitation [where more than one month has passed since the issuance of the previous temporary order], the court shall conduct a review of the following:

(i) related decisions AND WARRANTS in court proceedings initiated pursuant to article ten of the family court act; and

(ii) reports of the statewide computerized registry of orders of protection [and warrants of arrest] established and maintained pursuant to section two hundred twenty-one-a of the executive law, and reports of the sex offender registry established and maintained pursuant to section one hundred sixty-eight-b of the correction law.

S 2. Subparagraph 4 of paragraph (a-1) of subdivision 1 of section 240 of the domestic relations law, as added by chapter 595 of the laws of 2008, is amended to read as follows:

(4) After issuing a temporary emergency order. After issuing a temporary emergency order of custody or visitation, the court shall conduct

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

LBD10477-01-9

reviews of the decisions and reports on registries as required pursuant to items (i) and (ii) of subparagraph one of this paragraph [within twenty-four hours of] NO LATER THAN THE NEXT DAY THE COURT IS IN SESSION AFTER the issuance of such temporary emergency order. Upon reviewing decisions and reports, the court shall notify associated counsel pursuant to subparagraph two of this paragraph and may issue temporary or permanent custody or visitation orders.

S 3. Paragraph 1 of subdivision (e) of section 651 of the family court act, as added by chapter 595 of the laws of 2008, is amended to read as follows:

1. Permanent, temporary or successive temporary orders of custody or visitation. Prior to the issuance of any permanent[,] OR temporary [or] ORDER OF CUSTODY OR VISITATION OR, WHERE MORE THAN NINETY DAYS HAVE PASSED SINCE THE LAST REVIEW OF DECISIONS AND REPORTS UNDER THIS PARAGRAPH, PRIOR TO THE ISSUANCE OF ANY successive temporary order of custody or visitation [where more than one month has passed since the issuance of the previous temporary order], the court shall conduct a review of the following:

(i) related decisions AND WARRANTS in court proceedings initiated pursuant to article ten of this act; and

(ii) reports of the statewide computerized registry of orders of protection [and warrants of arrest] established and maintained pursuant to section two hundred twenty-one-a of the executive law, and reports of the sex offender registry established and maintained pursuant to section one hundred sixty-eight-b of the correction law.

S 4. Paragraph 4 of subdivision (e) of section 651 of the family court act, as added by chapter 595 of the laws of 2008, is amended to read as follows:

4. After issuing a temporary emergency order. After issuing a temporary emergency order of custody or visitation, the court shall conduct reviews of the decisions and reports on registries as required pursuant to subparagraphs (i) and (ii) of paragraph one of this subdivision [within twenty-four hours of] NO LATER THAN THE NEXT DAY THE COURT IS IN SESSION AFTER the issuance of such temporary emergency order. Upon reviewing decisions and reports, the court shall notify associated counsel pursuant to paragraph two of this subdivision and may issue temporary or permanent custody or visitation orders.

S 5. Subdivision 6 of section 221-a of the executive law, as amended by chapter 595 of the laws of 2008, is amended to read as follows:

6. The superintendent shall establish procedures for the prompt removal of orders of protection and special orders of conditions from the active files of the registry upon their expiration. The superintendent shall establish procedures for prompt disclosure of such orders [and warrants] consistent with the purposes of paragraph (a-1) of subdivision one of section two hundred forty of the domestic relations law and subdivision (e) of section six hundred fifty-one of the family court act.

S 6. This act shall take effect immediately.