

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

571--A

2011-2012 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 5, 2011

Introduced by M. of A. GUNTHER, ZEBROWSKI -- read once and referred to the Committee on Codes -- recommitted to the Committee on Codes in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the criminal procedure law and the family court act, in relation to notification to victims of orders of protection

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

1 Section 1. Section 530.12 of the criminal procedure law is amended by
2 adding a new subdivision 16 to read as follows:
3 16. THE CLERK OF THE COURT SHALL BE RESPONSIBLE FOR PROVIDING INFORMA-
4 TION TO INDIVIDUALS PETITIONING FOR EX PARTE ORDERS OF PROTECTION
5 REGARDING NOTIFICATION OF SERVICE OF AN ORDER OF PROTECTION. SUCH
6 NOTIFICATION TO THE PETITIONER IS REQUIRED IF THE PETITIONER HAS REGIS-
7 TERED A TELEPHONE NUMBER WITH THE STATE VICTIM NOTIFICATION SYSTEM. THE
8 PETITIONER SHALL BE INFORMED OF HIS OR HER OPTION TO RECEIVE NOTIFICA-
9 TION OF SERVICE OF AN EX PARTE ORDER OF PROTECTION OR SUMMONS ON THE
10 RESPONDENT BY THE COURT CLERK AND SHALL BE PROVIDED INFORMATION ON HOW
11 TO RECEIVE NOTIFICATION OF SERVICE OF EX PARTE ORDERS OF PROTECTION OR
12 SUMMONS TO COURT. THE LOCAL LAW ENFORCEMENT AGENCY OR ANY OTHER GOVERN-
13 MENT AGENCY RESPONSIBLE FOR SERVING EX PARTE ORDERS OF PROTECTION OR
14 SUMMONS TO COURT SHALL RECORD THE SERVICE OF ORDERS OF PROTECTION ON THE
15 COMPUTERIZED REGISTRY ESTABLISHED PURSUANT TO SECTION TWO HUNDRED TWEN-
16 TY-ONE-A OF THE EXECUTIVE LAW AT THE TIME WHEN SERVICE OCCURS. THE
17 PROVISIONS OF THIS SUBDIVISION SHALL ONLY APPLY TO THOSE COURT CLERKS
18 ABLE TO ACCESS A STATEWIDE VICTIM NOTIFICATION SYSTEM.
19 S 2. Section 530.13 of the criminal procedure law is amended by adding
20 a new subdivision 6-a to read as follows:

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

LBD02319-04-2

1 6-A. THE CLERK OF THE COURT SHALL BE RESPONSIBLE FOR PROVIDING INFOR-
2 MATION TO INDIVIDUALS PETITIONING FOR EX PARTE ORDERS OF PROTECTION
3 REGARDING NOTIFICATION OF SERVICE OF AN ORDER OF PROTECTION. SUCH
4 NOTIFICATION TO THE PETITIONER IS REQUIRED IF THE PETITIONER HAS REGIS-
5 TERED A TELEPHONE NUMBER WITH THE STATE VICTIM NOTIFICATION SYSTEM. THE
6 PETITIONER SHALL BE INFORMED OF HIS OR HER OPTION TO RECEIVE NOTIFICA-
7 TION OF SERVICE OF AN EX PARTE ORDER OF PROTECTION OR SUMMONS ON THE
8 RESPONDENT BY THE COURT CLERK AND SHALL BE PROVIDED INFORMATION ON HOW
9 TO RECEIVE NOTIFICATION OF SERVICE OF EX PARTE ORDERS OF PROTECTION OR
10 SUMMONS TO COURT. THE LOCAL LAW ENFORCEMENT AGENCY OR ANY OTHER GOVERN-
11 MENT AGENCY RESPONSIBLE FOR SERVING EX PARTE ORDERS OF PROTECTION OR
12 SUMMONS TO COURT SHALL RECORD THE SERVICE OF ORDERS OF PROTECTION ON THE
13 COMPUTERIZED REGISTRY ESTABLISHED PURSUANT TO SECTION TWO HUNDRED TWEN-
14 TY-ONE-A OF THE EXECUTIVE LAW AT THE TIME WHEN SERVICE OCCURS. THE
15 PROVISIONS OF THIS SUBDIVISION SHALL ONLY APPLY TO THOSE COURT CLERKS
16 ABLE TO ACCESS A STATEWIDE VICTIM NOTIFICATION SYSTEM.

17 S 3. Section 446 of the family court act, as amended by chapter 948 of
18 the laws of 1984, the opening paragraph as amended by chapter 706 of the
19 laws of 1988, subdivisions (a), (b), (c), (d) and (e) as amended and
20 subdivision (i) as added by chapter 483 of the laws of 1995, subdivision
21 (h) as added and subdivision (i) as relettered by chapter 253 of the
22 laws of 2006, paragraph 1 of subdivision (h) as amended by chapter 532
23 of the laws of 2008, the second undesignated paragraph as amended by
24 chapter 326 of the laws of 2008, the third undesignated paragraph as
25 added by chapter 73 of the laws of 2007 and the closing paragraph as
26 added by chapter 341 of the laws of 2010, is amended to read as follows:

27 S 446. Order of protection. 1. The court may make an order of
28 protection in assistance or as a condition of any other order made under
29 this part. The order of protection may set forth reasonable conditions
30 of behavior to be observed for a specified time by the petitioner or
31 respondent or both. No order of protection may direct any party to
32 observe conditions of behavior unless the party requesting the order of
33 protection has served and filed a petition or counter-claim in accord-
34 ance with section one hundred fifty-four-b of this act. Such an order
35 may require the petitioner or the respondent:

36 (a) to stay away from the home, school, business or place of employ-
37 ment of any other party, the other spouse, the other parent or the
38 child, and to stay away from any other specific location designated by
39 the court;

40 (b) to permit a parent, or a person entitled to visitation by a court
41 order or a separation agreement, to visit the child at stated periods;

42 (c) to refrain from committing a family offense, as defined in subdivi-
43 sion one of section eight hundred twelve of this act, or any criminal
44 offense against the child or against the other parent or against any
45 person to whom custody of the child is awarded, or from harassing,
46 intimidating or threatening such persons;

47 (d) to permit a designated party to enter the residence during a spec-
48 ified period of time in order to remove personal belongings not in issue
49 in this proceeding or in any other proceeding or action under this act
50 or the domestic relations law;

51 (e) to refrain from acts of commission or omission that create an
52 unreasonable risk to the health, safety or welfare of a child;

53 (f) to participate in an educational program and to pay the costs
54 thereof if the person has the means to do so, provided however that
55 nothing contained herein shall be deemed to require payment of the costs
56 of any such program by the state or any political subdivision thereof;

(g) to provide, either directly or by means of medical and health insurance, for expenses incurred for medical care and treatment arising from the incident or incidents forming the basis for the issuance of the order.

(h) [1.] (1) to refrain from intentionally injuring or killing, without justification, any companion animal the respondent knows to be owned, possessed, leased, kept or held by the person protected by the order or a minor child residing in such person's household.

[2.] (2) "Companion animal", as used in this section, shall have the same meaning as in subdivision five of section three hundred fifty of the agriculture and markets law.

(i) to observe such other conditions as are necessary to further the purposes of protection.

2. The court may also award custody of the child, during the term of the order of protection to either parent, or to an appropriate relative within the second degree. Nothing in this section gives the court power to place or board out any child or to commit a child to an institution or agency. In making orders of protection, the court shall so act as to insure that in the care, protection, discipline and guardianship of the child his religious faith shall be preserved and protected.

3. Notwithstanding the foregoing provisions, an order of protection, or temporary order of protection where applicable, may be entered against a former spouse and persons who have a child in common, regardless of whether such persons have been married or have lived together at any time, or against a member of the same family or household as defined in subdivision one of section eight hundred twelve of this act.

4. In addition to the foregoing provisions, the court may issue an order, pursuant to section two hundred twenty-seven-c of the real property law, authorizing the party for whose benefit any order of protection has been issued to terminate a lease or rental agreement pursuant to section two hundred twenty-seven-c of the real property law.

5. In any proceeding pursuant to this article, a court shall not deny an order of protection, or dismiss an application for such an order, solely on the basis that the acts or events alleged are not relatively contemporaneous with the date of the application or the conclusion of the action. The duration of any temporary order shall not by itself be a factor in determining the length or issuance of any final order.

6. THE CLERK OF THE COURT SHALL BE RESPONSIBLE FOR PROVIDING INFORMATION TO INDIVIDUALS PETITIONING FOR EX PARTE ORDERS OF PROTECTION REGARDING NOTIFICATION OF SERVICE OF AN ORDER OF PROTECTION. SUCH NOTIFICATION TO THE PETITIONER IS REQUIRED IF THE PETITIONER HAS REGISTERED A TELEPHONE NUMBER WITH THE STATE VICTIM NOTIFICATION SYSTEM. THE PETITIONER SHALL BE INFORMED OF HIS OR HER OPTION TO RECEIVE NOTIFICATION OF SERVICE OF AN EX PARTE ORDER OF PROTECTION OR SUMMONS ON THE RESPONDENT BY THE COURT CLERK AND SHALL BE PROVIDED INFORMATION ON HOW TO RECEIVE NOTIFICATION OF SERVICE OF EX PARTE ORDERS OF PROTECTION OR SUMMONS TO COURT. THE LOCAL LAW ENFORCEMENT AGENCY OR ANY OTHER GOVERNMENT AGENCY RESPONSIBLE FOR SERVING EX PARTE ORDERS OF PROTECTION OR SUMMONS TO COURT SHALL RECORD THE SERVICE OF ORDERS OF PROTECTION ON THE COMPUTERIZED REGISTRY ESTABLISHED PURSUANT TO SECTION TWO HUNDRED TWENTY-ONE-A OF THE EXECUTIVE LAW AT THE TIME WHEN SERVICE OCCURS. THE PROVISIONS OF THIS SUBDIVISION SHALL ONLY APPLY TO THOSE COURT CLERKS ABLE TO ACCESS A STATEWIDE VICTIM NOTIFICATION SYSTEM.

S 4. Section 551 of the family court act, as amended by chapter 948 of the laws of 1984, the opening paragraph as amended by chapter 706 of the laws of 1988, subdivisions (a), (b), (c), (d) and (e) as amended and

subdivision (j) as added by chapter 483 of the laws of 1995, subdivision (i) as added and subdivision (j) as relettered by chapter 253 of the laws of 2006, paragraph 1 of subdivision (i) as amended by chapter 532 of the laws of 2008, the third undesignated paragraph as amended by chapter 326 of the laws of 2008 and the closing paragraph as added by chapter 341 of the laws of 2010, is amended to read as follows:

S 551. Order of protection. 1. The court may make an order of protection in assistance or as a condition of any other order made under this article. The order of protection may set forth reasonable conditions of behavior to be observed for a specified time by the petitioner or respondent or both. No order of protection may direct any party to observe conditions of behavior unless the party requesting the order of protection has served and filed a petition or counter-claim in accordance with section one hundred fifty-four-b of this act. Such an order may require the petitioner or the respondent:

(a) to stay away from the home, school, business or place of employment of any other party, the other parent, or the child, and to stay away from any other specific location designated by the court;

(b) to permit a parent, or a person entitled to visitation by a court order or a separation agreement to visit the child at stated periods;

(c) to refrain from committing a family offense, as defined in subdivision one of section eight hundred twelve of this act, or any criminal offense against the child or against the other parent or against any person to whom custody of the child is awarded, or from harassing, intimidating or threatening such persons;

(d) to permit a designated party to enter the residence during a specified period of time in order to remove personal belongings not in issue in this proceeding or in any other proceeding or action under this act or the domestic relations law;

(e) to refrain from acts of commission or omission that create an unreasonable risk to the health, safety or welfare of a child;

(f) to participate in an educational program and to pay the costs thereof if the person has the means to do so, provided, however, that nothing contained herein shall be deemed to require payment of the costs of any such program by the state or any political subdivision thereof;

(g) to provide, either directly or by means of medical and health insurance, for expenses incurred for medical care and treatment arising from the incident or incidents forming the basis for the issuance of the order;

(h) to pay the reasonable counsel fees and disbursements involved in obtaining or enforcing the order of the person who is protected by such order if such order is issued or enforced, whether or not an order of filiation is made.

(i) [1.] (1) to refrain from intentionally injuring or killing, without justification, any companion animal the respondent knows to be owned, possessed, leased, kept or held by the person protected by the order or a minor child residing in such person's household.

[2.] (2) "Companion animal", as used in this section, shall have the same meaning as in subdivision five of section three hundred fifty of the agriculture and markets law.

(j) to observe such other conditions as are necessary to further the purposes of protection.

2. The court may also award custody of the child, during the term of the order of protection to either parent, or to an appropriate relative within the second degree. Nothing in this section gives the court power to place or board out any child or to commit a child to an institution

1 or agency. In making orders of protection, the court shall so act as to
2 insure that in the care, protection, discipline and guardianship of the
3 child his religious faith shall be preserved and protected.

4 3. Notwithstanding the foregoing provisions, an order of protection,
5 or temporary order of protection where applicable, may be entered
6 against a former spouse and persons who have a child in common, regard-
7 less of whether such persons have been married or have lived together at
8 any time, or against a member of the same family or household as defined
9 in subdivision one of section eight hundred twelve of this act.

10 4. In any proceeding pursuant to this article, a court shall not deny
11 an order of protection, or dismiss an application for such an order,
12 solely on the basis that the acts or events alleged are not relatively
13 contemporaneous with the date of the application or the conclusion of
14 the action. The duration of any temporary order shall not by itself be a
15 factor in determining the length or issuance of any final order.

16 5. THE CLERK OF THE COURT SHALL BE RESPONSIBLE FOR PROVIDING INFORMA-
17 TION TO INDIVIDUALS PETITIONING FOR EX PARTE ORDERS OF PROTECTION
18 REGARDING NOTIFICATION OF SERVICE OF AN ORDER OF PROTECTION. SUCH
19 NOTIFICATION TO THE PETITIONER IS REQUIRED IF THE PETITIONER HAS REGIS-
20 TERED A TELEPHONE NUMBER WITH THE STATE VICTIM NOTIFICATION SYSTEM. THE
21 PETITIONER SHALL BE INFORMED OF HIS OR HER OPTION TO RECEIVE NOTIFICA-
22 TION OF SERVICE OF AN EX PARTE ORDER OF PROTECTION OR SUMMONS ON THE
23 RESPONDENT BY THE COURT CLERK AND SHALL BE PROVIDED INFORMATION ON HOW
24 TO RECEIVE NOTIFICATION OF SERVICE OF EX PARTE ORDERS OF PROTECTION OR
25 SUMMONS TO COURT. THE LOCAL LAW ENFORCEMENT AGENCY OR ANY OTHER GOVERN-
26 MENT AGENCY RESPONSIBLE FOR SERVING EX PARTE ORDERS OF PROTECTION OR
27 SUMMONS TO COURT SHALL RECORD THE SERVICE OF ORDERS OF PROTECTION ON THE
28 COMPUTERIZED REGISTRY ESTABLISHED PURSUANT TO SECTION TWO HUNDRED TWEN-
29 TY-ONE-A OF THE EXECUTIVE LAW AT THE TIME WHEN SERVICE OCCURS. THE
30 PROVISIONS OF THIS SUBDIVISION SHALL ONLY APPLY TO THOSE COURT CLERKS
31 ABLE TO ACCESS A STATEWIDE VICTIM NOTIFICATION SYSTEM.

32 S 5. Section 656 of the family court act, as amended by chapter 948 of
33 the laws of 1984, the opening paragraph as amended by chapter 706 of the
34 laws of 1988, subdivisions (a), (b), (c), (d) and (e) as amended and
35 subdivision (j) as added by chapter 483 of the laws of 1995, subdivision
36 (i) as added and subdivision (j) as relettered by chapter 253 of the
37 laws of 2006, the second undesignated paragraph as amended by chapter
38 326 of the laws of 2008, the third undesignated paragraph as added by
39 chapter 73 of the laws of 2007 and the closing paragraph as added by
40 chapter 341 of the laws of 2010, is amended to read as follows:

41 S 656. Order of protection. 1. The court may make an order of
42 protection and an order of probation in assistance or as a condition of
43 any other order made under this part. The order of protection may set
44 forth reasonable conditions of behavior to be observed for a specific
45 time by any petitioner or any respondent, and shall specify if an order
46 of probation is in effect. No order of protection may direct any party
47 to observe conditions of behavior unless the party requesting the order
48 of protection has served and filed a petition or counter-claim in
49 accordance with section one hundred fifty-four-b of this act. Such an
50 order may require the petitioner or the respondent:

51 (a) to stay away from the home, school, business or place of employ-
52 ment of any other party, the other spouse or parent, or the child, and
53 to stay away from any other specific location designated by the court;

54 (b) to permit a parent, or a person entitled to visitation by a court
55 order or a separation agreement, to visit the child at stated periods;

(c) to refrain from committing a family offense, as defined in subdivision one of section eight hundred twelve of this act, or any criminal offense against the child or against the other parent or against any person to whom custody of the child is awarded, or from harassing, intimidating or threatening such persons;

(d) to permit a designated party to enter the residence during a specified period of time in order to remove personal belongings not in issue in this proceeding or in any other proceeding or action under this act or the domestic relations law;

(e) to refrain from acts of commission or omission that create an unreasonable risk to the health, safety or welfare of a child;

(f) to participate in an educational program and to pay the costs thereof if the person has the means to do so, provided however that nothing contained herein shall be deemed to require payment of the costs of any such program by the state or any political subdivision thereof;

(g) to provide, either directly or by means of medical and health insurance, for expenses incurred for medical care and treatment arising from the incident or incidents forming the basis for the issuance of the order;

(h) to pay the reasonable counsel fees and disbursements involved in obtaining or enforcing the order of the person who is protected by such order if such order is issued or enforced.

(i) [1.] (1) to refrain from intentionally injuring or killing, without justification, any companion animal the respondent knows to be owned, possessed, leased, kept or held by the petitioner or a minor child residing in the household.

[2.] (2) "Companion animal", as used in this section, shall have the same meaning as in subdivision five of section three hundred fifty of the agriculture and markets law.

(j) to observe such other conditions as are necessary to further the purposes of protection.

2. The court shall not require anyone seeking an order of protection under this section to first request that child protective services investigate the allegations or to first request permission to file a petition under article ten of this act.

3. Notwithstanding the foregoing provisions, an order of protection, or temporary order of protection where applicable, may be entered against a former spouse and persons who have a child in common, regardless of whether such persons have been married or have lived together at any time, or against a member of the same family or household as defined in subdivision one of section eight hundred twelve of this act.

4. In addition to the foregoing provisions, the court may issue an order, pursuant to section two hundred twenty-seven-c of the real property law, authorizing the party for whose benefit any order of protection has been issued to terminate a lease or rental agreement pursuant to section two hundred twenty-seven-c of the real property law.

5. In any proceeding pursuant to this article, a court shall not deny an order of protection, or dismiss an application for such an order, solely on the basis that the acts or events alleged are not relatively contemporaneous with the date of the application or the conclusion of the action. The duration of any temporary order shall not by itself be a factor in determining the length or issuance of any final order.

6. THE CLERK OF THE COURT SHALL BE RESPONSIBLE FOR PROVIDING INFORMATION TO INDIVIDUALS PETITIONING FOR EX PARTE ORDERS OF PROTECTION REGARDING NOTIFICATION OF SERVICE OF AN ORDER OF PROTECTION. SUCH NOTIFICATION TO THE PETITIONER IS REQUIRED IF THE PETITIONER HAS REGIS-

1 TERED A TELEPHONE NUMBER WITH THE STATE VICTIM NOTIFICATION SYSTEM. THE
2 PETITIONER SHALL BE INFORMED OF HIS OR HER OPTION TO RECEIVE NOTIFICA-
3 TION OF SERVICE OF AN EX PARTE ORDER OF PROTECTION OR SUMMONS ON THE
4 RESPONDENT BY THE COURT CLERK AND SHALL BE PROVIDED INFORMATION ON HOW
5 TO RECEIVE NOTIFICATION OF SERVICE OF EX PARTE ORDERS OF PROTECTION OR
6 SUMMONS TO COURT. THE LOCAL LAW ENFORCEMENT AGENCY OR ANY OTHER GOVERN-
7 MENT AGENCY RESPONSIBLE FOR SERVING EX PARTE ORDERS OF PROTECTION OR
8 SUMMONS TO COURT SHALL RECORD THE SERVICE OF ORDERS OF PROTECTION ON THE
9 COMPUTERIZED REGISTRY ESTABLISHED PURSUANT TO SECTION TWO HUNDRED TWEN-
10 TY-ONE-A OF THE EXECUTIVE LAW AT THE TIME WHEN SERVICE OCCURS. THE
11 PROVISIONS OF THIS SUBDIVISION SHALL ONLY APPLY TO THOSE COURT CLERKS
12 ABLE TO ACCESS A STATEWIDE VICTIM NOTIFICATION SYSTEM.

13 S 6. Section 842 of the family court act, as amended by chapter 222 of
14 the laws of 1994, the opening paragraph as separately amended by chap-
15 ters 325 and 341 of the laws of 2010, subdivisions (a), (b), (c), (d)
16 and (e) as amended and subdivision (j) as added by chapter 483 of the
17 laws of 1995, subdivision (i) as added and subdivision (j) as relettered
18 by chapter 253 of the laws of 2006, the second undesignated paragraph as
19 amended by chapter 325 of the laws of 2010, the third undesignated para-
20 graph as amended by chapter 224 of the laws of 1994, the sixth undesign-
21 ated paragraph as amended by section 114 of subpart B of part C of
22 chapter 62 of the laws of 2011, the seventh undesignated paragraph as
23 amended by chapter 326 of the laws of 2008 and the closing paragraph as
24 added by chapter 73 of the laws of 2007, is amended to read as follows:

25 S 842. Order of protection. 1. An order of protection under section
26 eight hundred forty-one of this part shall set forth reasonable condi-
27 tions of behavior to be observed for a period not in excess of two years
28 by the petitioner or respondent or for a period not in excess of five
29 years upon (i) a finding by the court on the record of the existence of
30 aggravating circumstances as defined in paragraph (vii) of subdivision
31 (a) of section eight hundred twenty-seven of this article; or (ii) a
32 finding by the court on the record that the conduct alleged in the peti-
33 tion is in violation of a valid order of protection. Any finding of
34 aggravating circumstances pursuant to this section shall be stated on
35 the record and upon the order of protection. The court may also, upon
36 motion, extend the order of protection for a reasonable period of time
37 upon a showing of good cause or consent of the parties. The fact that
38 abuse has not occurred during the pendency of an order shall not, in
39 itself, constitute sufficient ground for denying or failing to extend
40 the order. The court must articulate a basis for its decision on the
41 record. The duration of any temporary order shall not by itself be a
42 factor in determining the length or issuance of any final order. Any
43 order of protection issued pursuant to this section shall specify if an
44 order of probation is in effect. Any order of protection issued pursuant
45 to this section may require the petitioner or the respondent:

46 (a) to stay away from the home, school, business or place of employ-
47 ment of any other party, the other spouse, the other parent, or the
48 child, and to stay away from any other specific location designated by
49 the court, provided that the court shall make a determination, and shall
50 state such determination in a written decision or on the record, whether
51 to impose a condition pursuant to this [subdivision] PARAGRAPH, provided
52 further, however, that failure to make such a determination shall not
53 affect the validity of such order of protection. In making such determi-
54 nation, the court shall consider, but shall not be limited to consider-
55 ation of, whether the order of protection is likely to achieve its
56 purpose in the absence of such a condition, conduct subject to prior

1 orders of protection, prior incidents of abuse, extent of past or pres-
2 ent injury, threats, drug or alcohol abuse, and access to weapons;

3 (b) to permit a parent, or a person entitled to visitation by a court
4 order or a separation agreement, to visit the child at stated periods;

5 (c) to refrain from committing a family offense, as defined in subdi-
6 vision one of section eight hundred twelve of this [act] ARTICLE, or any
7 criminal offense against the child or against the other parent or
8 against any person to whom custody of the child is awarded, or from
9 harassing, intimidating or threatening such persons;

10 (d) to permit a designated party to enter the residence during a spec-
11 ified period of time in order to remove personal belongings not in issue
12 in this proceeding or in any other proceeding or action under this act
13 or the domestic relations law;

14 (e) to refrain from acts of commission or omission that create an
15 unreasonable risk to the health, safety or welfare of a child;

16 (f) to pay the reasonable counsel fees and disbursements involved in
17 obtaining or enforcing the order of the person who is protected by such
18 order if such order is issued or enforced;

19 (g) to require the respondent to participate in a batterer's education
20 program designed to help end violent behavior, which may include refer-
21 ral to drug and alcohol counselling, and to pay the costs thereof if the
22 person has the means to do so, provided however that nothing contained
23 herein shall be deemed to require payment of the costs of any such
24 program by the petitioner, the state or any political subdivision there-
25 of; and

26 (h) to provide, either directly or by means of medical and health
27 insurance, for expenses incurred for medical care and treatment arising
28 from the incident or incidents forming the basis for the issuance of the
29 order.

30 (i) [1.] (1) to refrain from intentionally injuring or killing, with-
31 out justification, any companion animal the respondent knows to be
32 owned, possessed, leased, kept or held by the petitioner or a minor
33 child residing in the household.

34 [2.] (2) "Companion animal", as used in this section, shall have the
35 same meaning as in subdivision five of section three hundred fifty of
36 the agriculture and markets law.

37 (j) to observe such other conditions as are necessary to further the
38 purposes of protection.

39 2. The court may also award custody of the child, during the term of
40 the order of protection to either parent, or to an appropriate relative
41 within the second degree. Nothing in this section gives the court power
42 to place or board out any child or to commit a child to an institution
43 or agency.

44 3. Notwithstanding the provisions of section eight hundred seventeen
45 of this article, where a temporary order of child support has not
46 already been issued, the court may in addition to the issuance of an
47 order of protection pursuant to this section, issue an order for tempo-
48 rary child support in an amount sufficient to meet the needs of the
49 child, without a showing of immediate or emergency need. The court shall
50 make an order for temporary child support notwithstanding that informa-
51 tion with respect to income and assets of the respondent may be unavail-
52 able. Where such information is available, the court may make an award
53 for temporary child support pursuant to the formula set forth in subdi-
54 vision one of section four hundred thirteen of this act. Temporary
55 orders of support issued pursuant to this article shall be deemed to
56 have been issued pursuant to section four hundred thirteen of this act.

1 4. Upon making an order for temporary child support pursuant to this
2 subdivision, the court shall advise the petitioner of the availability
3 of child support enforcement services by the support collection unit of
4 the local department of social services, to enforce the temporary order
5 and to assist in securing continued child support, and shall set the
6 support matter down for further proceedings in accordance with article
7 four of this act.

8 5. Where the court determines that the respondent has employer-provid-
9 ed medical insurance, the court may further direct, as part of an order
10 of temporary support under this subdivision, that a medical support
11 execution be issued and served upon the respondent's employer as
12 provided for in section fifty-two hundred forty-one of the civil prac-
13 tice law and rules.

14 6. In any proceeding in which an order of protection or temporary
15 order of protection or a warrant has been issued under this section, the
16 clerk of the court shall issue to the petitioner and respondent and his
17 counsel and to any other person affected by the order a copy of the
18 order of protection or temporary order of protection and ensure that a
19 copy of the order of protection or temporary order of protection be
20 transmitted to the local correctional facility where the individual is
21 or will be detained, the state or local correctional facility where the
22 individual is or will be imprisoned, and the supervising probation
23 department or the department of corrections and community supervision
24 where the individual is under probation or parole supervision.

25 7. Notwithstanding the foregoing provisions, an order of protection,
26 or temporary order of protection where applicable, may be entered
27 against a former spouse and persons who have a child in common, regard-
28 less of whether such persons have been married or have lived together at
29 any time, or against a member of the same family or household as defined
30 in subdivision one of section eight hundred twelve of this article.

31 8. In addition to the foregoing provisions, the court may issue an
32 order, pursuant to section two hundred twenty-seven-c of the real prop-
33 erty law, authorizing the party for whose benefit any order of
34 protection has been issued to terminate a lease or rental agreement
35 pursuant to section two hundred twenty-seven-c of the real property law.

36 9. THE CLERK OF THE COURT SHALL BE RESPONSIBLE FOR PROVIDING INFORMA-
37 TION TO INDIVIDUALS PETITIONING FOR EX PARTE ORDERS OF PROTECTION
38 REGARDING NOTIFICATION OF SERVICE OF AN ORDER OF PROTECTION. SUCH
39 NOTIFICATION TO THE PETITIONER IS REQUIRED IF THE PETITIONER HAS REGIS-
40 TERED A TELEPHONE NUMBER WITH THE STATE VICTIM NOTIFICATION SYSTEM. THE
41 PETITIONER SHALL BE INFORMED OF HIS OR HER OPTION TO RECEIVE NOTIFICA-
42 TION OF SERVICE OF AN EX PARTE ORDER OF PROTECTION OR SUMMONS ON THE
43 RESPONDENT BY THE COURT CLERK AND SHALL BE PROVIDED INFORMATION ON HOW
44 TO RECEIVE NOTIFICATION OF SERVICE OF EX PARTE ORDERS OF PROTECTION OR
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48 COMPUTERIZED REGISTRY ESTABLISHED PURSUANT TO SECTION TWO HUNDRED TWEN-
49 TY-ONE-A OF THE EXECUTIVE LAW AT THE TIME WHEN SERVICE OCCURS. THE
50 PROVISIONS OF THIS SUBDIVISION SHALL ONLY APPLY TO THOSE COURT CLERKS
51 ABLE TO ACCESS A STATEWIDE VICTIM NOTIFICATION SYSTEM.

52 S 7. This act shall take effect immediately.