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I N   A S S E M B L Y

May 2, 2012

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Introduced by M. of A. PAULIN, AUBRY, CRESPO, ENGLEBRIGHT, GALEF, GUNTHER, MILLMAN, ROBERTS, P. RIVERA, SKARTADOS, TITONE, WEPRIN, ZEBROWSKI -- Multi-Sponsored by -- M. of A. SWEENEY -- (at request of the Office of Court Administration) -- read once and referred to the Committee on Children and Families

AN ACT to amend the family court act and the social services law, in relation to severe or repeated child abuse in child protective and termination of parental rights proceedings

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

1     Section 1. Subdivision (e) of section 1051 of the family court act, as  
2     amended by chapter 7 of the laws of 1999, is amended to read as follows:  
3     (e) If the court makes a finding of abuse, it shall specify the para-  
4     graph or paragraphs of subdivision (e) of section one thousand twelve of  
5     this act which it finds have been established. If the court makes a  
6     finding of abuse as defined in paragraph (iii) of subdivision (e) of  
7     section one thousand twelve of this act, it shall make a further finding  
8     of the specific sex offense as defined in article one hundred thirty of  
9     the penal law. In addition to a finding of abuse, the court may enter a  
10    finding of severe abuse or repeated abuse, as defined in [paragraphs]  
11    SUBPARAGRAPHS (I), (II) AND (III) OF PARAGRAPH (a) [and] OR SUBPARA-  
12    GRAPHS (I) AND (II) OF PARAGRAPH (b) of subdivision eight of section  
13    three hundred eighty-four-b of the social services law, which shall be  
14    admissible in a proceeding to terminate parental rights pursuant to  
15    paragraph (e) of subdivision four of section three hundred eighty-four-b  
16    of the social services law. If the court makes such additional finding  
17    of severe abuse or repeated abuse, the court shall state the grounds for  
18    its determination, which shall be based upon clear and convincing  
19    evidence.  
20    S 2. Subparagraph (ii) of paragraph (a) and subparagraph (i) of para-  
21    graph (b) of subdivision 8 of section 384-b of the social services law,  
22    subparagraph (ii) of paragraph (a) as added and subparagraph (i) of  
23    paragraph (b) as amended by chapter 7 of the laws of 1999, are amended  
24    to read as follows:

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

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1 (ii) the child has been found to be an abused child, as defined in  
2 paragraph (iii) of subdivision (e) of section ten hundred twelve of the  
3 family court act, as a result of such parent's acts; provided, however,  
4 the respondent must have committed or knowingly allowed to be committed  
5 a felony sex offense as defined in sections 130.25, 130.30, 130.35,  
6 130.40, 130.45, 130.50, 130.65, 130.67, 130.70, 130.75 [and], 130.80,  
7 130.95 AND 130.96 of the penal law and, for the purposes of this section  
8 the corroboration requirements contained in the penal law shall not  
9 apply to proceedings under this section; or  
10 (i) the child has been found to be an abused child, (A) as defined in  
11 paragraph (i) of subdivision (e) of section ten hundred twelve of the  
12 family court act, as a result of such parent's acts; or (B) as defined  
13 in paragraph (iii) of subdivision (e) of section ten hundred twelve of  
14 the family court act, as a result of such parent's acts; provided,  
15 however, the respondent must have committed or knowingly allowed to be  
16 committed a felony sex offense as defined in sections 130.25, 130.30,  
17 130.35, 130.40, 130.45, 130.50, 130.65, 130.67, 130.70, 130.75 [and],  
18 130.80, 130.95 AND 130.96 of the penal law; and  
19 S 3. This act shall take effect immediately.