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

2100

2011-2012 Regular Sessions

I N A S S E M B L Y

January 13, 2011

Introduced by M. of A. LAVINE -- read once and referred to the Committee on Judiciary

AN ACT to amend the domestic relations law, in relation to certain orders during divorce proceedings

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

Section 1. Section 240 of the domestic relations law is amended by adding a new subdivision 1-d to read as follows:

1-D. DURING THE PENDENCY OF ANY ACTION SET FORTH IN SUBDIVISION ONE OF THIS SECTION THE COURT SHALL ISSUE AN ORDER PROHIBITING BOTH PARTIES TO THE LITIGATION FROM INTERFERING WITH THE OTHER PARTY'S PARENTAL RELATIONSHIP. INTERFERENCE SHALL INCLUDE, BUT NOT BE LIMITED TO, FAILURE TO COMPLY WITH COURT ORDERS, EFFORTS TO ALIENATE THE CHILD FROM THE OTHER PARTY, DISPARAGING REMARKS MADE ABOUT THE OTHER PARTY IN THE PRESENCE OF THE CHILD, AND GENERAL UNWILLINGNESS TO FOSTER A RELATIONSHIP BETWEEN THE CHILD AND THE OTHER PARTY. THE COURT SHALL HAVE DISCRETION IN ISSUING ORDERS UNDER THIS SUBDIVISION IN CASES OF ABUSE OR DOMESTIC VIOLENCE. ANY VIOLATION OF AN ORDER UNDER THIS SUBDIVISION SHALL BE DEEMED CONTEMPT OF COURT.

S 2. This act shall take effect immediately.

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

LBD07206-01-1