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

3835

2011-2012 Regular Sessions

I N S E N A T E

March 7, 2011

Introduced by Sen. LAVALLE -- 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 and the family court act, in relation to the visitation rights of great-grandparents

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

Section 1. The section heading and subdivision 1 of section 72 of the domestic relations law, as amended by chapter 657 of the laws of 2003, are amended to read as follows:

Special proceeding or habeas corpus to obtain visitation rights IN RESPECT TO CERTAIN INFANT GRANDCHILDREN OR GREAT-GRANDCHILDREN or custody in respect to certain infant grandchildren. 1. Where either or both of the parents of a minor child, residing within this state, is or are deceased, or where circumstances show that conditions exist which equity would see fit to intervene, a grandparent [or], the grandparents, A GREAT-GRANDPARENT OR THE GREAT-GRANDPARENTS of such child may apply to the supreme court by commencing a special proceeding or for a writ of habeas corpus to have such child brought before such court, or may apply to the family court pursuant to subdivision (b) of section six hundred fifty-one of the family court act; and on the return thereof, the court, by order, after due notice to the parent or any other person or party having the care, custody, and control of such child, to be given in such manner as the court shall prescribe, may make such directions as the best interest of the child may require, for visitation rights for such grandparent [or], grandparents, GREAT-GRANDPARENT OR GREAT-GRANDPARENTS in respect to such child.

S 2. Subdivisions (b) and (d) of section 651 of the family court act, subdivision (b) as amended by chapter 657 of the laws of 2003 and subdivision (d) as amended by chapter 41 of the laws of 2010, are amended to read as follows:

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

LBD09924-01-1

(b) When initiated in the family court, the family court has jurisdiction to determine, in accordance with subdivision one of section two hundred forty of the domestic relations law and with the same powers possessed by the supreme court in addition to its own powers, habeas corpus proceedings and proceedings brought by petition and order to show cause, for the determination of the custody or visitation of minors, including applications by a grandparent [or], grandparents, A GREAT-GRANDPARENT OR GREAT-GRANDPARENTS for visitation or A GRANDPARENT OR GRANDPARENTS FOR custody rights pursuant to section seventy-two or two hundred forty of the domestic relations law.

(d) With respect to applications by a grandparent [or], grandparents, A GREAT-GRANDPARENT OR GREAT-GRANDPARENTS for visitation or A GRANDPARENT OR GRANDPARENTS FOR custody rights, made pursuant to section seventy-two or two hundred forty of the domestic relations law, with a child remanded or placed in the care of a person, official, agency or institution pursuant to the provisions of article ten of this act, the applicant, in such manner as the court shall prescribe, shall serve a copy of the application upon the social services official having care and custody of such child, and the child's attorney, who shall be afforded an opportunity to be heard thereon.

S 3. This act shall take effect immediately.