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

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I N A S S E M B L Y

June 6, 2014

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Rosenthal) -- read once and referred to the Committee on Children and Families

AN ACT to amend the family court act, in relation to the supervision of persons with custody of protected children

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

Section 1. Subdivision 3 of section 1017 of the family court act, as added by chapter 519 of the laws of 2008, is amended to read as follows:

3. An order placing a child with a relative, A NON-RESPONDENT PARENT, or other suitable person pursuant to this section may not be granted unless the [relative or other suitable person] PERSON WITH WHOM THE CHILD HAS BEEN DIRECTLY PLACED consents to the jurisdiction of the court. The court may place the person with whom the child has been directly placed under supervision during the pendency of the proceeding. Such supervision shall be provided by a child protective agency, social services official or duly authorized agency. The court also may issue a temporary order of protection under subdivision (f) of section one thousand twenty-two, section one thousand twenty-three or section one thousand twenty-nine of this article. An order of supervision issued pursuant to this subdivision shall set forth the terms and conditions that the relative, NON-RESPONDENT PARENT, or suitable person must meet and the actions that the child protective agency, social services official or duly authorized agency must take to exercise such supervision.

S 2. Subdivision (a) of section 1054 of the family court act, as amended by chapter 41 of the laws of 2010, is amended to read as follows:

(a) If the order of disposition releases the child to the custody of his or her parent or other person legally responsible for his or her care at the time of the filing of the petition, the court may place the person to whose custody the child is released under supervision of a child protective agency or of a social services official or duly authorized agency, or may enter an order of protection under section one thousand fifty-six OF THIS PART, or both. An order of supervision entered under this section shall set forth the terms and conditions of such

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

LBD15476-02-4

supervision that the [respondent] PERSON OR PERSONS AGAINST WHOM THE ORDER IS ENTERED must meet and the actions that the child protective agency, social services official or duly authorized agency must take to exercise such supervision. Except as provided for herein, in any order issued pursuant to this section, the court may require the child protective agency to make progress reports to the court, the parties, and the child's attorney on the implementation of such order. Where the order of disposition is issued upon the consent of the parties and the child's attorney, such agency shall report to the court, the parties and the child's attorney no later than ninety days after the issuance of the order, unless the court determines that the facts and circumstances of the case do not require such report to be made.

S 3. This act shall take effect immediately.