

5821

2013-2014 Regular Sessions

I N S E N A T E

June 17, 2013

Introduced by Sen. ROBACH -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the family court act and the criminal procedure law, in relation to adding identity theft, larceny and coercion as crimes over which family courts and criminal courts have concurrent jurisdiction in certain circumstances; and to amend the family court act, the domestic relations law and the criminal procedure law, in relation to authorizing courts, upon issuance of an order of protection, to order a respondent to return certain documents, and debit and credit devices to the protected party

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

1 Section 1. The opening paragraph of subdivision 1 of section 812 of
2 the family court act, as separately amended by chapters 341 and 405 of
3 the laws of 2010, is amended to read as follows:
4 The family court and the criminal courts shall have concurrent juris-
5 diction over any proceeding concerning acts which would constitute
6 disorderly conduct, harassment in the first degree, harassment in the
7 second degree, aggravated harassment in the second degree, sexual
8 misconduct, forcible touching, sexual abuse in the third degree, sexual
9 abuse in the second degree as set forth in subdivision one of section
10 130.60 of the penal law, stalking in the first degree, stalking in the
11 second degree, stalking in the third degree, stalking in the fourth
12 degree, criminal mischief, menacing in the second degree, menacing in
13 the third degree, reckless endangerment, criminal obstruction of breath-
14 ing or blood circulation, strangulation in the second degree, strangula-
15 tion in the first degree, assault in the second degree, assault in the
16 third degree [or], an attempted assault, [criminal obstruction of
17 breathing or blood circulation or strangulation] IDENTITY THEFT IN THE
18 FIRST DEGREE, IDENTITY THEFT IN THE SECOND DEGREE, IDENTITY THEFT IN THE
19 THIRD DEGREE, GRAND LARCENY IN THE FOURTH DEGREE, GRAND LARCENY IN THE

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

LBD09958-07-3

1 THIRD DEGREE OR COERCION IN THE SECOND DEGREE AS SET FORTH IN SUBDIVI-
2 SIONS ONE, TWO AND THREE OF SECTION 135.60 OF THE PENAL LAW between
3 spouses or former spouses, or between parent and child or between
4 members of the same family or household except that if the respondent
5 would not be criminally responsible by reason of age pursuant to section
6 30.00 of the penal law, then the family court shall have exclusive
7 jurisdiction over such proceeding. Notwithstanding a complainant's
8 election to proceed in family court, the criminal court shall not be
9 divested of jurisdiction to hear a family offense proceeding pursuant to
10 this section. In any proceeding pursuant to this article, a court shall
11 not deny an order of protection, or dismiss a petition, solely on the
12 basis that the acts or events alleged are not relatively contemporaneous
13 with the date of the petition, the conclusion of the fact-finding or the
14 conclusion of the dispositional hearing. For purposes of this article,
15 "disorderly conduct" includes disorderly conduct not in a public place.
16 For purposes of this article, "members of the same family or household"
17 shall mean the following:

18 S 2. Paragraph (a) of subdivision 1 of section 821 of the family court
19 act, as amended by chapter 309 of the laws of 2011, is amended to read
20 as follows:

21 (a) An allegation that the respondent assaulted or attempted to
22 assault his or her spouse, or former spouse, parent, child or other
23 member of the same family or household or engaged in disorderly conduct,
24 harassment, sexual misconduct, forcible touching, sexual abuse in the
25 third degree, sexual abuse in the second degree as set forth in subdivi-
26 sion one of section 130.60 of the penal law, stalking, criminal
27 mischief, menacing, reckless endangerment, criminal obstruction of
28 breathing or blood circulation [or], strangulation, IDENTITY THEFT IN
29 THE FIRST DEGREE, IDENTITY THEFT IN THE SECOND DEGREE, IDENTITY THEFT IN
30 THE THIRD DEGREE, GRAND LARCENY IN THE FOURTH DEGREE, GRAND LARCENY IN
31 THE THIRD DEGREE OR COERCION IN THE SECOND DEGREE AS SET FORTH IN SUBDI-
32 VISIONS ONE, TWO AND THREE OF SECTION 135.60 OF THE PENAL LAW, toward
33 any such person;

34 S 3. Section 446 of the family court act, as amended by chapter 948 of
35 the laws of 1984, the opening paragraph as amended by chapter 706 of the
36 laws of 1988, subdivisions (a), (b), (c), (d) and (e) as amended and
37 subdivision (i) as added by chapter 483 of the laws of 1995, subdivision
38 (h) as added and subdivision (i) as relettered by chapter 253 of the
39 laws of 2006, paragraph 1 of subdivision (h) as amended by chapter 532
40 of the laws of 2008, the second undesignated paragraph as amended by
41 chapter 326 of the laws of 2008, the third undesignated paragraph as
42 added by chapter 73 of the laws of 2007 and the closing paragraph as
43 added by chapter 341 of the laws of 2010, is amended to read as follows:

44 S 446. Order of protection. The court may make an order of protection
45 in assistance or as a condition of any other order made under this part.
46 The order of protection may set forth reasonable conditions of behavior
47 to be observed for a specified time by the petitioner or respondent or
48 both. No order of protection may direct any party to observe conditions
49 of behavior unless the party requesting the order of protection has
50 served and filed a petition or counter-claim in accordance with section
51 one hundred fifty-four-b of this act. Such an order may require the
52 petitioner or the respondent:

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

1 (b) to permit a parent, or a person entitled to visitation by a court
2 order or a separation agreement, to visit the child at stated periods;
3 (c) to refrain from committing a family offense, as defined in subdivi-
4 sion one of section eight hundred twelve of this act, or any criminal
5 offense against the child or against the other parent or against any
6 person to whom custody of the child is awarded, or from harassing,
7 intimidating or threatening such persons;
8 (d) to permit a designated party to enter the residence during a spec-
9 ified period of time in order to remove personal belongings not in issue
10 in this proceeding or in any other proceeding or action under this act
11 or the domestic relations law;
12 (e) to refrain from acts of commission or omission that create an
13 unreasonable risk to the health, safety or welfare of a child;
14 (f) to participate in an educational program and to pay the costs
15 thereof if the person has the means to do so, provided however that
16 nothing contained herein shall be deemed to require payment of the costs
17 of any such program by the state or any political subdivision thereof;
18 (g) to provide, either directly or by means of medical and health
19 insurance, for expenses incurred for medical care and treatment arising
20 from the incident or incidents forming the basis for the issuance of the
21 order[.];
22 (h) 1. to refrain from intentionally injuring or killing, without
23 justification, any companion animal the respondent knows to be owned,
24 possessed, leased, kept or held by the person protected by the order or
25 a minor child residing in such person's household.
26 2. "Companion animal", as used in this section, shall have the same
27 meaning as in subdivision five of section three hundred fifty of the
28 agriculture and markets law[.];
29 (i) 1. TO PROMPTLY RETURN SPECIFIED IDENTIFICATION DOCUMENTS TO THE
30 PROTECTED PARTY, IN WHOSE FAVOR THE ORDER OF PROTECTION OR TEMPORARY
31 ORDER OF PROTECTION IS ISSUED; PROVIDED, HOWEVER, THAT SUCH ORDER MAY:
32 (A) INCLUDE ANY APPROPRIATE PROVISION DESIGNED TO ENSURE THAT ANY SUCH
33 DOCUMENT IS AVAILABLE FOR USE AS EVIDENCE IN THIS PROCEEDING, AND AVAIL-
34 ABLE IF NECESSARY FOR LEGITIMATE USE BY THE PARTY AGAINST WHOM SUCH
35 ORDER IS ISSUED; AND (B) SPECIFY THE MANNER IN WHICH SUCH RETURN SHALL
36 BE ACCOMPLISHED.
37 2. FOR PURPOSES OF THIS SUBDIVISION, "IDENTIFICATION DOCUMENT" SHALL
38 MEAN ANY OF THE FOLLOWING: (A) EXCLUSIVELY IN THE NAME OF THE PROTECTED
39 PARTY: BIRTH CERTIFICATE, PASSPORT, SOCIAL SECURITY CARD, HEALTH INSUR-
40 ANCE OR OTHER BENEFITS CARD, A CARD OR DOCUMENT USED TO ACCESS BANK,
41 CREDIT OR OTHER FINANCIAL ACCOUNTS OR RECORDS, TAX RETURNS, ANY DRIVER'S
42 LICENSE, AND IMMIGRATION DOCUMENTS INCLUDING BUT NOT LIMITED TO A UNITED
43 STATES PERMANENT RESIDENT CARD AND EMPLOYMENT AUTHORIZATION DOCUMENT;
44 AND (B) UPON MOTION AND AFTER NOTICE AND AN OPPORTUNITY TO BE HEARD, ANY
45 OF THE FOLLOWING, INCLUDING THOSE THAT MAY REFLECT JOINT USE OR OWNER-
46 SHIP, THAT THE COURT DETERMINES ARE NECESSARY AND ARE APPROPRIATELY
47 TRANSFERRED TO THE PROTECTED PARTY: ANY CARD OR DOCUMENT USED TO ACCESS
48 BANK, CREDIT OR OTHER FINANCIAL ACCOUNTS OR RECORDS, TAX RETURNS, AND
49 ANY OTHER IDENTIFYING CARDS AND DOCUMENTS; AND
50 (J) to observe such other conditions as are necessary to further the
51 purposes of protection.
52 The court may also award custody of the child, during the term of the
53 order of protection to either parent, or to an appropriate relative
54 within the second degree. Nothing in this section gives the court power
55 to place or board out any child or to commit a child to an institution
56 or agency. In making orders of protection, the court shall so act as to

1 insure that in the care, protection, discipline and guardianship of the
2 child his religious faith shall be preserved and protected.

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

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

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

20 S 4. Section 551 of the family court act, as amended by chapter 948 of
21 the laws of 1984, the opening paragraph as amended by chapter 706 of the
22 laws of 1988, subdivisions (a), (b), (c), (d) and (e) as amended and
23 subdivision (j) as added by chapter 483 of the laws of 1995, subdivision
24 (i) as added and subdivision (j) as relettered by chapter 253 of the
25 laws of 2006, paragraph 1 of subdivision (i) as amended by chapter 532
26 of the laws of 2008, the third undesignated paragraph as amended by
27 chapter 326 of the laws of 2008 and the closing paragraph as added by
28 chapter 341 of the laws of 2010, is amended to read as follows:

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

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

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

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

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

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

54 (f) to participate in an educational program and to pay the costs
55 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. 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. "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) 1. TO PROMPTLY RETURN SPECIFIED IDENTIFICATION DOCUMENTS TO THE PROTECTED PARTY, IN WHOSE FAVOR THE ORDER OF PROTECTION OR TEMPORARY ORDER OF PROTECTION IS ISSUED; PROVIDED, HOWEVER, THAT SUCH ORDER MAY: (A) INCLUDE ANY APPROPRIATE PROVISION DESIGNED TO ENSURE THAT ANY SUCH DOCUMENT IS AVAILABLE FOR USE AS EVIDENCE IN THIS PROCEEDING, AND AVAILABLE IF NECESSARY FOR LEGITIMATE USE BY THE PARTY AGAINST WHOM SUCH ORDER IS ISSUED; AND (B) SPECIFY THE MANNER IN WHICH SUCH RETURN SHALL BE ACCOMPLISHED.

2. FOR PURPOSES OF THIS SUBDIVISION, "IDENTIFICATION DOCUMENT" SHALL MEAN ANY OF THE FOLLOWING: (A) EXCLUSIVELY IN THE NAME OF THE PROTECTED PARTY: BIRTH CERTIFICATE, PASSPORT, SOCIAL SECURITY CARD, HEALTH INSURANCE OR OTHER BENEFITS CARD, A CARD OR DOCUMENT USED TO ACCESS BANK, CREDIT OR OTHER FINANCIAL ACCOUNTS OR RECORDS, TAX RETURNS, ANY DRIVER'S LICENSE, AND IMMIGRATION DOCUMENTS INCLUDING BUT NOT LIMITED TO A UNITED STATES PERMANENT RESIDENT CARD AND EMPLOYMENT AUTHORIZATION DOCUMENT; AND (B) UPON MOTION AND AFTER NOTICE AND AN OPPORTUNITY TO BE HEARD, ANY OF THE FOLLOWING, INCLUDING THOSE THAT MAY REFLECT JOINT USE OR OWNERSHIP, THAT THE COURT DETERMINES ARE NECESSARY AND ARE APPROPRIATELY TRANSFERRED TO THE PROTECTED PARTY: ANY CARD OR DOCUMENT USED TO ACCESS BANK, CREDIT OR OTHER FINANCIAL ACCOUNTS OR RECORDS, TAX RETURNS, AND ANY OTHER IDENTIFYING CARDS AND DOCUMENTS; AND

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

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.

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.

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 contem-

poraneous 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.

S 5. Section 656 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, the second undesignated paragraph as amended by chapter 326 of the laws of 2008, the third undesignated paragraph as added by chapter 73 of the laws of 2007 and the closing paragraph as added by chapter 341 of the laws of 2010, is amended to read as follows:

S 656. Order of protection. The court may make an order of protection and an order of probation in assistance or as a condition of any other order made under this part. The order of protection may set forth reasonable conditions of behavior to be observed for a specific time by any petitioner or any respondent, and shall specify if an order of probation is in effect. 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 spouse or 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[.];

(i) 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. "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) 1. TO PROMPTLY RETURN SPECIFIED IDENTIFICATION DOCUMENTS TO THE PROTECTED PARTY, IN WHOSE FAVOR THE ORDER OF PROTECTION OR TEMPORARY ORDER OF PROTECTION IS ISSUED; PROVIDED, HOWEVER, THAT SUCH ORDER MAY: (A) INCLUDE ANY APPROPRIATE PROVISION DESIGNED TO ENSURE THAT ANY SUCH DOCUMENT IS AVAILABLE FOR USE AS EVIDENCE IN THIS PROCEEDING, AND AVAILABLE IF NECESSARY FOR LEGITIMATE USE BY THE PARTY AGAINST WHOM SUCH ORDER IS ISSUED; AND (B) SPECIFY THE MANNER IN WHICH SUCH RETURN SHALL BE ACCOMPLISHED.

2. FOR PURPOSES OF THIS SUBDIVISION, "IDENTIFICATION DOCUMENT" SHALL MEAN ANY OF THE FOLLOWING: (A) EXCLUSIVELY IN THE NAME OF THE PROTECTED PARTY: BIRTH CERTIFICATE, PASSPORT, SOCIAL SECURITY CARD, HEALTH INSURANCE OR OTHER BENEFITS CARD, A CARD OR DOCUMENT USED TO ACCESS BANK, CREDIT OR OTHER FINANCIAL ACCOUNTS OR RECORDS, TAX RETURNS, ANY DRIVER'S LICENSE, AND IMMIGRATION DOCUMENTS INCLUDING BUT NOT LIMITED TO A UNITED STATES PERMANENT RESIDENT CARD AND EMPLOYMENT AUTHORIZATION DOCUMENT; AND (B) UPON MOTION AND AFTER NOTICE AND AN OPPORTUNITY TO BE HEARD, ANY OF THE FOLLOWING, INCLUDING THOSE THAT MAY REFLECT JOINT USE OR OWNERSHIP, THAT THE COURT DETERMINES ARE NECESSARY AND ARE APPROPRIATELY TRANSFERRED TO THE PROTECTED PARTY: ANY CARD OR DOCUMENT USED TO ACCESS BANK, CREDIT OR OTHER FINANCIAL ACCOUNTS OR RECORDS, TAX RETURNS, AND ANY OTHER IDENTIFYING CARDS AND DOCUMENTS; AND

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

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.

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.

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.

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.

S 6. Section 842 of the family court act, as amended by chapter 222 of the laws of 1994, the opening paragraph as separately amended by chapters 325 and 341 of the laws of 2010, 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, the second undesignated paragraph as amended by chapter 325 of the laws of 2010, the third undesignated paragraph as amended by chapter 224 of the laws of 1994, the sixth undesignated paragraph as amended by section 114 of subpart B of part C of chapter 62 of the laws of 2011, the seventh undesignated paragraph as amended by chapter 326 of the laws of 2008 and the closing paragraph as added by chapter 73 of the laws of 2007, is amended to read as follows:

1 S 842. Order of protection. An order of protection under section eight
2 hundred forty-one of this part shall set forth reasonable conditions of
3 behavior to be observed for a period not in excess of two years by the
4 petitioner or respondent or for a period not in excess of five years
5 upon (i) a finding by the court on the record of the existence of aggra-
6 vating circumstances as defined in paragraph (vii) of subdivision (a) of
7 section eight hundred twenty-seven of this article; or (ii) a finding by
8 the court on the record that the conduct alleged in the petition is in
9 violation of a valid order of protection. Any finding of aggravating
10 circumstances pursuant to this section shall be stated on the record and
11 upon the order of protection. The court may also, upon motion, extend
12 the order of protection for a reasonable period of time upon a showing
13 of good cause or consent of the parties. The fact that abuse has not
14 occurred during the pendency of an order shall not, in itself, consti-
15 tute sufficient ground for denying or failing to extend the order. The
16 court must articulate a basis for its decision on the record. The dura-
17 tion of any temporary order shall not by itself be a factor in determin-
18 ing the length or issuance of any final order. Any order of protection
19 issued pursuant to this section shall specify if an order of probation
20 is in effect. Any order of protection issued pursuant to this section
21 may require the petitioner or the respondent:

22 (a) to stay away from the home, school, business or place of employ-
23 ment of any other party, the other spouse, the other parent, or the
24 child, and to stay away from any other specific location designated by
25 the court, provided that the court shall make a determination, and shall
26 state such determination in a written decision or on the record, whether
27 to impose a condition pursuant to this subdivision, provided further,
28 however, that failure to make such a determination shall not affect the
29 validity of such order of protection. In making such determination, the
30 court shall consider, but shall not be limited to consideration of,
31 whether the order of protection is likely to achieve its purpose in the
32 absence of such a condition, conduct subject to prior orders of
33 protection, prior incidents of abuse, extent of past or present injury,
34 threats, drug or alcohol abuse, and access to weapons;

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

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

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

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

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

51 (g) to require the respondent to participate in a batterer's education
52 program designed to help end violent behavior, which may include refer-
53 ral to drug and alcohol counselling, and to pay the costs thereof if the
54 person has the means to do so, provided however that nothing contained
55 herein shall be deemed to require payment of the costs of any such

1 program by the petitioner, the state or any political subdivision there-
2 of; [and]
3 (h) to provide, either directly or by means of medical and health
4 insurance, for expenses incurred for medical care and treatment arising
5 from the incident or incidents forming the basis for the issuance of the
6 order[.];
7 (i) 1. to refrain from intentionally injuring or killing, without
8 justification, any companion animal the respondent knows to be owned,
9 possessed, leased, kept or held by the petitioner or a minor child
10 residing in the household.
11 2. "Companion animal", as used in this section, shall have the same
12 meaning as in subdivision five of section three hundred fifty of the
13 agriculture and markets law[.];
14 (j) 1. TO PROMPTLY RETURN SPECIFIED IDENTIFICATION DOCUMENTS TO THE
15 PROTECTED PARTY, IN WHOSE FAVOR THE ORDER OF PROTECTION OR TEMPORARY
16 ORDER OF PROTECTION IS ISSUED; PROVIDED, HOWEVER, THAT SUCH ORDER MAY:
17 (A) INCLUDE ANY APPROPRIATE PROVISION DESIGNED TO ENSURE THAT ANY SUCH
18 DOCUMENT IS AVAILABLE FOR USE AS EVIDENCE IN THIS PROCEEDING, AND AVAIL-
19 ABLE IF NECESSARY FOR LEGITIMATE USE BY THE PARTY AGAINST WHOM SUCH
20 ORDER IS ISSUED; AND (B) SPECIFY THE MANNER IN WHICH SUCH RETURN SHALL
21 BE ACCOMPLISHED.
22 2. FOR PURPOSES OF THIS SUBDIVISION, "IDENTIFICATION DOCUMENT" SHALL
23 MEAN ANY OF THE FOLLOWING: (A) EXCLUSIVELY IN THE NAME OF THE PROTECTED
24 PARTY: BIRTH CERTIFICATE, PASSPORT, SOCIAL SECURITY CARD, HEALTH INSUR-
25 ANCE OR OTHER BENEFITS CARD, A CARD OR DOCUMENT USED TO ACCESS BANK,
26 CREDIT OR OTHER FINANCIAL ACCOUNTS OR RECORDS, TAX RETURNS, ANY DRIVER'S
27 LICENSE, AND IMMIGRATION DOCUMENTS INCLUDING BUT NOT LIMITED TO A UNITED
28 STATES PERMANENT RESIDENT CARD AND EMPLOYMENT AUTHORIZATION DOCUMENT;
29 AND (B) UPON MOTION AND AFTER NOTICE AND AN OPPORTUNITY TO BE HEARD, ANY
30 OF THE FOLLOWING, INCLUDING THOSE THAT MAY REFLECT JOINT USE OR OWNER-
31 SHIP, THAT THE COURT DETERMINES ARE NECESSARY AND ARE APPROPRIATELY
32 TRANSFERRED TO THE PROTECTED PARTY: ANY CARD OR DOCUMENT USED TO ACCESS
33 BANK, CREDIT OR OTHER FINANCIAL ACCOUNTS OR RECORDS, TAX RETURNS, AND
34 ANY OTHER IDENTIFYING CARDS AND DOCUMENTS; AND
35 (K) to observe such other conditions as are necessary to further the
36 purposes of protection.
37 The court may also award custody of the child, during the term of the
38 order of protection to either parent, or to an appropriate relative
39 within the second degree. Nothing in this section gives the court power
40 to place or board out any child or to commit a child to an institution
41 or agency.
42 Notwithstanding the provisions of section eight hundred seventeen of
43 this article, where a temporary order of child support has not already
44 been issued, the court may in addition to the issuance of an order of
45 protection pursuant to this section, issue an order for temporary child
46 support in an amount sufficient to meet the needs of the child, without
47 a showing of immediate or emergency need. The court shall make an order
48 for temporary child support notwithstanding that information with
49 respect to income and assets of the respondent may be unavailable. Where
50 such information is available, the court may make an award for temporary
51 child support pursuant to the formula set forth in subdivision one of
52 section four hundred thirteen of this act. Temporary orders of support
53 issued pursuant to this article shall be deemed to have been issued
54 pursuant to section four hundred thirteen of this act.
55 Upon making an order for temporary child support pursuant to this
56 subdivision, the court shall advise the petitioner of the availability

1 of child support enforcement services by the support collection unit of
2 the local department of social services, to enforce the temporary order
3 and to assist in securing continued child support, and shall set the
4 support matter down for further proceedings in accordance with article
5 four of this act.

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

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

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

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

34 S 7. Subdivision 1 of section 1056 of the family court act, as amended
35 by chapter 622 of the laws of 1990, paragraphs (a), (b), (c), (d) and
36 (e) as amended and paragraph (h) as added by chapter 483 of the laws of
37 1995, paragraph (g) as added and paragraph (h) as relettered by chapter
38 253 of the laws of 2006 and subparagraph 1 of paragraph (g) as amended
39 by chapter 532 of the laws of 2008, is amended to read as follows:

40 1. The court may make an order of protection in assistance or as a
41 condition of any other order made under this part. Such order of
42 protection shall remain in effect concurrently with, shall expire no
43 later than the expiration date of, and may be extended concurrently
44 with, such other order made under this part, except as provided in
45 subdivision four of this section. The order of protection may set forth
46 reasonable conditions of behavior to be observed for a specified time by
47 a person who is before the court and is a parent or a person legally
48 responsible for the child's care or the spouse of the parent or other
49 person legally responsible for the child's care, or both. Such an order
50 may require any such person

51 (a) to stay away from the home, school, business or place of employ-
52 ment of the other spouse, parent or person legally responsible for the
53 child's care or the child, and to stay away from any other specific
54 location designated by the court;

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

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

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

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

12 (f) to provide, either directly or by means of medical and health
13 insurance, for expenses incurred for medical care and treatment arising
14 from the incident or incidents forming the basis for the issuance of the
15 order[.];

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

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

23 (h) 1. TO PROMPTLY RETURN SPECIFIED IDENTIFICATION DOCUMENTS TO THE
24 PROTECTED PARTY, IN WHOSE FAVOR THE ORDER OF PROTECTION OR TEMPORARY
25 ORDER OF PROTECTION IS ISSUED; PROVIDED, HOWEVER, THAT SUCH ORDER MAY:
26 (A) INCLUDE ANY APPROPRIATE PROVISION DESIGNED TO ENSURE THAT ANY SUCH
27 DOCUMENT IS AVAILABLE FOR USE AS EVIDENCE IN THIS PROCEEDING, AND AVAIL-
28 ABLE IF NECESSARY FOR LEGITIMATE USE BY THE PARTY AGAINST WHOM SUCH
29 ORDER IS ISSUED; AND (B) SPECIFY THE MANNER IN WHICH SUCH RETURN SHALL
30 BE ACCOMPLISHED.

31 2. FOR PURPOSES OF THIS PARAGRAPH, "IDENTIFICATION DOCUMENT" SHALL
32 MEAN ANY OF THE FOLLOWING: (A) EXCLUSIVELY IN THE NAME OF THE PROTECTED
33 PARTY: BIRTH CERTIFICATE, PASSPORT, SOCIAL SECURITY CARD, HEALTH INSUR-
34 ANCE OR OTHER BENEFITS CARD, A CARD OR DOCUMENT USED TO ACCESS BANK,
35 CREDIT OR OTHER FINANCIAL ACCOUNTS OR RECORDS, TAX RETURNS, ANY DRIVER'S
36 LICENSE, AND IMMIGRATION DOCUMENTS INCLUDING BUT NOT LIMITED TO A UNITED
37 STATES PERMANENT RESIDENT CARD AND EMPLOYMENT AUTHORIZATION DOCUMENT;
38 AND (B) UPON MOTION AND AFTER NOTICE AND AN OPPORTUNITY TO BE HEARD, ANY
39 OF THE FOLLOWING, INCLUDING THOSE THAT MAY REFLECT JOINT USE OR OWNER-
40 SHIP, THAT THE COURT DETERMINES ARE NECESSARY AND ARE APPROPRIATELY
41 TRANSFERRED TO THE PROTECTED PARTY: ANY CARD OR DOCUMENT USED TO ACCESS
42 BANK, CREDIT OR OTHER FINANCIAL ACCOUNTS OR RECORDS, TAX RETURNS, AND
43 ANY OTHER IDENTIFYING CARDS AND DOCUMENTS; AND

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

46 S 8. Paragraph a of subdivision 3 of section 240 of the domestic
47 relations law, as amended by chapter 597 of the laws of 1998, subpara-
48 graph 7 as added and subparagraph 8 as renumbered by chapter 532 of the
49 laws of 2008, is amended to read as follows:

50 a. The court may make an order of protection in assistance or as a
51 condition of any other order made under this section. The order of
52 protection may set forth reasonable conditions of behavior to be
53 observed for a specified time by any party. Such an order may require
54 any party:

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

(2) 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;

(3) to refrain from committing a family offense, as defined in subdivision one of section 530.11 of the criminal procedure law, 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;

(4) 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 a proceeding or action under this chapter or the family court act; [or]

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

(6) 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[.];

(7) 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. "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[.];

(8) (I) TO PROMPTLY RETURN SPECIFIED IDENTIFICATION DOCUMENTS TO THE PROTECTED PARTY, IN WHOSE FAVOR THE ORDER OF PROTECTION OR TEMPORARY ORDER OF PROTECTION IS ISSUED; PROVIDED, HOWEVER, THAT SUCH ORDER MAY: (A) INCLUDE ANY APPROPRIATE PROVISION DESIGNED TO ENSURE THAT ANY SUCH DOCUMENT IS AVAILABLE FOR USE AS EVIDENCE IN THIS PROCEEDING, AND AVAILABLE IF NECESSARY FOR LEGITIMATE USE BY THE PARTY AGAINST WHOM SUCH ORDER IS ISSUED; AND (B) SPECIFY THE MANNER IN WHICH SUCH RETURN SHALL BE ACCOMPLISHED.

(II) FOR PURPOSES OF THIS SUBPARAGRAPH, "IDENTIFICATION DOCUMENT" SHALL MEAN ANY OF THE FOLLOWING: (A) EXCLUSIVELY IN THE NAME OF THE PROTECTED PARTY: BIRTH CERTIFICATE, PASSPORT, SOCIAL SECURITY CARD, HEALTH INSURANCE OR OTHER BENEFITS CARD, A CARD OR DOCUMENT USED TO ACCESS BANK, CREDIT OR OTHER FINANCIAL ACCOUNTS OR RECORDS, TAX RETURNS, ANY DRIVER'S LICENSE, AND IMMIGRATION DOCUMENTS INCLUDING BUT NOT LIMITED TO A UNITED STATES PERMANENT RESIDENT CARD AND EMPLOYMENT AUTHORIZATION DOCUMENT; AND (B) UPON MOTION AND AFTER NOTICE AND AN OPPORTUNITY TO BE HEARD, ANY OF THE FOLLOWING, INCLUDING THOSE THAT MAY REFLECT JOINT USE OR OWNERSHIP, THAT THE COURT DETERMINES ARE NECESSARY AND ARE APPROPRIATELY TRANSFERRED TO THE PROTECTED PARTY: ANY CARD OR DOCUMENT USED TO ACCESS BANK, CREDIT OR OTHER FINANCIAL ACCOUNTS OR RECORDS, TAX RETURNS, AND ANY OTHER IDENTIFYING CARDS AND DOCUMENTS; AND

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

S 9. Subdivision 1 of section 252 of the domestic relations law, as amended by chapter 349 of the laws of 1995, paragraph (g) as added and paragraph (h) as relettered by chapter 532 of the laws of 2008, is amended to read as follows:

1. In an action for divorce, separation or annulment or in an action to declare the nullity of a void marriage in the supreme court, the supreme court or the family court shall entertain an application for an

1 order of protection or temporary order of protection by either party.
2 Such an order may require any party:

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

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

8 (c) to refrain from committing a family offense, as defined in subdivi-
9 sion one of section 530.11 of the criminal procedure law, or any crim-
10 inal offense against such child or against the other parent or against
11 any person to whom custody of the child is awarded or from harassing,
12 intimidating or threatening such persons;

13 (d) to permit a designated party to enter the residence during a spec-
14 ified period of time in order to remove personal belongings not in issue
15 in a proceeding or action under this chapter or the family court act;

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

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

21 (g) to refrain from intentionally injuring or killing, without justi-
22 fication, any companion animal the respondent knows to be owned,
23 possessed, leased, kept or held by the person protected by the order or
24 a minor child residing in such person's household. "Companion animal,"
25 as used in this section, shall have the same meaning as in subdivision
26 five of section three hundred fifty of the agriculture and markets
27 law[.];

28 (h) (1) TO PROMPTLY RETURN SPECIFIED IDENTIFICATION DOCUMENTS TO THE
29 PROTECTED PARTY, IN WHOSE FAVOR THE ORDER OF PROTECTION OR TEMPORARY
30 ORDER OF PROTECTION IS ISSUED; PROVIDED, HOWEVER, THAT SUCH ORDER MAY:
31 (A) INCLUDE ANY APPROPRIATE PROVISION DESIGNED TO ENSURE THAT ANY SUCH
32 DOCUMENT IS AVAILABLE FOR USE AS EVIDENCE IN THIS PROCEEDING, AND AVAIL-
33 ABLE IF NECESSARY FOR LEGITIMATE USE BY THE PARTY AGAINST WHOM SUCH
34 ORDER IS ISSUED; AND (B) SPECIFY THE MANNER IN WHICH SUCH RETURN SHALL
35 BE ACCOMPLISHED.

36 (2) FOR PURPOSES OF THIS PARAGRAPH, "IDENTIFICATION DOCUMENT" SHALL
37 MEAN ANY OF THE FOLLOWING: (A) EXCLUSIVELY IN THE NAME OF THE PROTECTED
38 PARTY: BIRTH CERTIFICATE, PASSPORT, SOCIAL SECURITY CARD, HEALTH INSUR-
39 ANCE OR OTHER BENEFITS CARD, A CARD OR DOCUMENT USED TO ACCESS BANK,
40 CREDIT OR OTHER FINANCIAL ACCOUNTS OR RECORDS, TAX RETURNS, ANY DRIVER'S
41 LICENSE, AND IMMIGRATION DOCUMENTS INCLUDING BUT NOT LIMITED TO A UNITED
42 STATES PERMANENT RESIDENT CARD AND EMPLOYMENT AUTHORIZATION DOCUMENT;
43 AND (B) UPON MOTION AND AFTER NOTICE AND AN OPPORTUNITY TO BE HEARD, ANY
44 OF THE FOLLOWING, INCLUDING THOSE THAT MAY REFLECT JOINT USE OR OWNER-
45 SHIP, THAT THE COURT DETERMINES ARE NECESSARY AND ARE APPROPRIATELY
46 TRANSFERRED TO THE PROTECTED PARTY: ANY CARD OR DOCUMENT USED TO ACCESS
47 BANK, CREDIT OR OTHER FINANCIAL ACCOUNTS OR RECORDS, TAX RETURNS, AND
48 ANY OTHER IDENTIFYING CARDS AND DOCUMENTS; AND

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

51 S. 10. The opening paragraph of subdivision 1 of section 530.11 of the
52 criminal procedure law, as amended by chapter 405 of the laws of 2010,
53 is amended to read as follows:

54 The family court and the criminal courts shall have concurrent juris-
55 diction over any proceeding concerning acts which would constitute
56 disorderly conduct, harassment in the first degree, harassment in the

1 second degree, aggravated harassment in the second degree, sexual
2 misconduct, forcible touching, sexual abuse in the third degree, sexual
3 abuse in the second degree as set forth in subdivision one of section
4 130.60 of the penal law, stalking in the first degree, stalking in the
5 second degree, stalking in the third degree, stalking in the fourth
6 degree, criminal mischief, menacing in the second degree, menacing in
7 the third degree, reckless endangerment, strangulation in the first
8 degree, strangulation in the second degree, criminal obstruction of
9 breathing or blood circulation, assault in the second degree, assault in
10 the third degree [or], an attempted assault, IDENTITY THEFT IN THE FIRST
11 DEGREE, IDENTITY THEFT IN THE SECOND DEGREE, IDENTITY THEFT IN THE THIRD
12 DEGREE, GRAND LARCENY IN THE FOURTH DEGREE, GRAND LARCENY IN THE THIRD
13 DEGREE OR COERCION IN THE SECOND DEGREE AS SET FORTH IN SUBDIVISIONS
14 ONE, TWO AND THREE OF SECTION 135.60 OF THE PENAL LAW between spouses or
15 former spouses, or between parent and child or between members of the
16 same family or household except that if the respondent would not be
17 criminally responsible by reason of age pursuant to section 30.00 of the
18 penal law, then the family court shall have exclusive jurisdiction over
19 such proceeding. Notwithstanding a complainant's election to proceed in
20 family court, the criminal court shall not be divested of jurisdiction
21 to hear a family offense proceeding pursuant to this section. For
22 purposes of this section, "disorderly conduct" includes disorderly
23 conduct not in a public place. For purposes of this section, "members of
24 the same family or household" with respect to a proceeding in the crimi-
25 nal courts shall mean the following:

26 S 11. Subdivision 1 of section 530.12 of the criminal procedure law,
27 as amended by chapter 416 of the laws of 1981, the opening paragraph as
28 amended by chapter 137 of the laws of 2007, paragraph (a) as amended by
29 chapter 702 of the laws of 1988, paragraphs (b), (c) and (d) as amended
30 by chapter 483 of the laws of 1995, paragraph (e) as amended and para-
31 graph (f) as added by chapter 253 of the laws of 2006 and paragraph (g)
32 as added by chapter 73 of the laws of 2007, is amended to read as
33 follows:

34 1. When a criminal action is pending involving a complaint charging
35 any crime or violation between spouses, former spouses, parent and
36 child, or between members of the same family or household, as members of
37 the same family or household are defined in subdivision one of section
38 530.11 of this article, the court, in addition to any other powers
39 conferred upon it by this chapter may issue a temporary order of
40 protection in conjunction with any securing order committing the defend-
41 ant to the custody of the sheriff or as a condition of any order of
42 recognizance or bail or an adjournment in contemplation of dismissal.

43 (A) In addition to any other conditions, such an order may require the
44 defendant: [(a)] (1) to stay away from the home, school, business or
45 place of employment of the family or household member or of any desig-
46 nated witness, provided that the court shall make a determination, and
47 shall state such determination in a written decision or on the record,
48 whether to impose a condition pursuant to this paragraph, provided
49 further, however, that failure to make such a determination shall not
50 affect the validity of such temporary order of protection. In making
51 such determination, the court shall consider, but shall not be limited
52 to consideration of, whether the temporary order of protection is likely
53 to achieve its purpose in the absence of such a condition, conduct
54 subject to prior orders of protection, prior incidents of abuse, past or
55 present injury, threats, drug or alcohol abuse, and access to weapons;

1 [(b)] (2) to permit a parent, or a person entitled to visitation by a
2 court order or a separation agreement, to visit the child at stated
3 periods;
4 [(c)] (3) to refrain from committing a family offense, as defined in
5 subdivision one of section 530.11 of this article, or any criminal
6 offense against the child or against the family or household member or
7 against any person to whom custody of the child is awarded, or from
8 harassing, intimidating or threatening such persons;
9 [(d)] (4) to refrain from acts of commission or omission that create
10 an unreasonable risk to the health, safety and welfare of a child, fami-
11 ly or household member's life or health;
12 [(e)] (5) to permit a designated party to enter the residence during a
13 specified period of time in order to remove personal belongings not in
14 issue in this proceeding or in any other proceeding or action under this
15 chapter, the family court act or the domestic relations law;
16 [(f) 1.] (6) (A) to refrain from intentionally injuring or killing,
17 without justification, any companion animal the defendant knows to be
18 owned, possessed, leased, kept or held by the victim or a minor child
19 residing in the household.
20 [2.] (B) "Companion animal", as used in this section, shall have the
21 same meaning as in subdivision five of section three hundred fifty of
22 the agriculture and markets law[.
23 (g)];
24 (7) (A) TO PROMPTLY RETURN SPECIFIED IDENTIFICATION DOCUMENTS TO THE
25 PROTECTED PARTY, IN WHOSE FAVOR THE ORDER OF PROTECTION OR TEMPORARY
26 ORDER OF PROTECTION IS ISSUED; PROVIDED, HOWEVER, THAT SUCH ORDER MAY:
27 (I) INCLUDE ANY APPROPRIATE PROVISION DESIGNED TO ENSURE THAT ANY SUCH
28 DOCUMENT IS AVAILABLE FOR USE AS EVIDENCE IN THIS PROCEEDING, AND AVAIL-
29 ABLE IF NECESSARY FOR LEGITIMATE USE BY THE PARTY AGAINST WHOM SUCH
30 ORDER IS ISSUED; AND (II) SPECIFY THE MANNER IN WHICH SUCH RETURN SHALL
31 BE ACCOMPLISHED.
32 (B) FOR PURPOSES OF THIS SUBPARAGRAPH, "IDENTIFICATION DOCUMENT" SHALL
33 MEAN ANY OF THE FOLLOWING: (I) EXCLUSIVELY IN THE NAME OF THE PROTECTED
34 PARTY: BIRTH CERTIFICATE, PASSPORT, SOCIAL SECURITY CARD, HEALTH INSUR-
35 ANCE OR OTHER BENEFITS CARD, A CARD OR DOCUMENT USED TO ACCESS BANK,
36 CREDIT OR OTHER FINANCIAL ACCOUNTS OR RECORDS, TAX RETURNS, ANY DRIVER'S
37 LICENSE, AND IMMIGRATION DOCUMENTS INCLUDING BUT NOT LIMITED TO A UNITED
38 STATES PERMANENT RESIDENT CARD AND EMPLOYMENT AUTHORIZATION DOCUMENT;
39 AND (II) UPON MOTION AND AFTER NOTICE AND AN OPPORTUNITY TO BE HEARD,
40 ANY OF THE FOLLOWING, INCLUDING THOSE THAT MAY REFLECT JOINT USE OR
41 OWNERSHIP, THAT THE COURT DETERMINES ARE NECESSARY AND ARE APPROPRIATELY
42 TRANSFERRED TO THE PROTECTED PARTY: ANY CARD OR DOCUMENT USED TO ACCESS
43 BANK, CREDIT OR OTHER FINANCIAL ACCOUNTS OR RECORDS, TAX RETURNS, AND
44 ANY OTHER IDENTIFYING CARDS AND DOCUMENTS.
45 (B) The court may issue an order, pursuant to section two hundred
46 twenty-seven-c of the real property law, authorizing the party for whose
47 benefit any order of protection has been issued to terminate a lease or
48 rental agreement pursuant to section two hundred twenty-seven-c of the
49 real property law.
50 S 12. This act shall take effect immediately.