

7644

2015-2016 Regular Sessions

I N A S S E M B L Y

May 20, 2015

Introduced by M. of A. FAHY -- (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 executive law, in relation to severe child abuse and orders of protection in child abuse and neglect cases

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 430 of the laws of 2013, is amended to read as
3 follows:
4 (e) If the court makes a finding of abuse, it shall specify the para-
5 graph or paragraphs of subdivision (e) of section one thousand twelve of
6 this act which it finds have been established. If the court makes a
7 finding of abuse as defined in paragraph (iii) of subdivision (e) of
8 section one thousand twelve of this act, it shall make a further finding
9 of the specific sex offense as defined in article one hundred thirty of
10 the penal law. In addition to a finding of abuse, the court may enter a
11 finding of severe abuse or repeated abuse, as defined in subparagraphs
12 (i), (ii) and (iii) of paragraph (a) or subparagraphs (i) and (ii) of
13 paragraph (b) of subdivision eight of section three hundred
14 eighty-four-b of the social services law, which shall be admissible in a
15 proceeding to terminate parental rights pursuant to paragraph (e) of
16 subdivision four of section three hundred eighty-four-b of the social
17 services law; PROVIDED, HOWEVER, THAT A FINDING OF SEVERE OR REPEATED
18 ABUSE UNDER THIS SECTION MAY BE MADE AGAINST ANY RESPONDENT AS DEFINED
19 IN SUBDIVISION (A) OF SECTION ONE THOUSAND TWELVE OF THIS ACT. If the
20 court makes such additional finding of severe abuse or repeated abuse,
21 the court shall state the grounds for its determination, which shall be
22 based upon clear and convincing evidence.

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

LBD09651-01-5

1 S 2. Subdivision 1 of section 221-a of the executive law, as separate-
2 ly amended by sections 14 and 67 of part A of chapter 56 of the laws of
3 2010, is amended to read as follows:

4 1. The superintendent, in consultation with the division of criminal
5 justice services, office of court administration, and the office for the
6 prevention of domestic violence, shall develop a comprehensive plan for
7 the establishment and maintenance of a statewide computerized registry
8 of all orders of protection issued pursuant to articles four, five, six
9 [and], eight AND TEN of the family court act, section 530.12 of the
10 criminal procedure law and, insofar as they involve victims of domestic
11 violence as defined by section four hundred fifty-nine-a of the social
12 services law, section 530.13 of the criminal procedure law and sections
13 two hundred forty and two hundred fifty-two of the domestic relations
14 law, and orders of protection issued by courts of competent jurisdiction
15 in another state, territorial or tribal jurisdiction, special orders of
16 conditions issued pursuant to subparagraph (i) or (ii) of paragraph (o)
17 of subdivision one of section 330.20 of the criminal procedure law inso-
18 far as they involve a victim or victims of domestic violence as defined
19 by subdivision one of section four hundred fifty-nine-a of the social
20 services law or a designated witness or witnesses to such domestic
21 violence, and all warrants issued pursuant to sections one hundred
22 fifty-three and eight hundred twenty-seven of the family court act, and
23 arrest and bench warrants as defined in subdivisions twenty-eight, twen-
24 ty-nine and thirty of section 1.20 of the criminal procedure law, inso-
25 far as such warrants pertain to orders of protection or temporary orders
26 of protection; provided, however, that warrants issued pursuant to
27 section one hundred fifty-three of the family court act pertaining to
28 articles three[,] AND seven [and ten] of such act and section 530.13 of
29 the criminal procedure law shall not be included in the registry. The
30 superintendent shall establish and maintain such registry for the
31 purposes of ascertaining the existence of orders of protection, tempo-
32 rary orders of protection, warrants and special orders of conditions,
33 and for enforcing the provisions of paragraph (b) of subdivision four of
34 section 140.10 of the criminal procedure law.

35 S 3. This act shall take effect on the ninetieth day after it shall
36 have become a law.