

2760--A

2015-2016 Regular Sessions

I N   S E N A T E

January 29, 2015

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Introduced by Sens. PARKER, BOYLE, MARCHIONE -- read twice and ordered printed, and when printed to be committed to the Committee on Children and Families -- recommitted to the Committee on Children and Families in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the domestic relations law and the family court act, in relation to changing the denotation of visitation to parenting time

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

1     Section 1. Legislative intent. The legislature hereby finds and  
2     declares that the term "visitation" carries a negative connotation with  
3     respect to noncustodial parents who want to be a part of their chil-  
4     dren's lives. Society has given the term "visitation" a negative conno-  
5     tation that can be associated with the visiting of an inmate at a  
6     correctional facility or prison. The purpose of this act is to reflect  
7     the fact that a parent's time with a child is not merely as a visitor  
8     but constitutes parenting time.  
9     S 1-a. Section 2 of the domestic relations law, as amended by chapter  
10    920 of the laws of 1974, is amended to read as follows:  
11    S 2. Definitions. AS USED IN THIS CHAPTER:  
12    1. A "minor" or "infant", [as used in this chapter,] is a person under  
13    the age of eighteen years.  
14    2. "VISITATION" REFERS TO TIME PERMITTED TO BE SPENT WITH A CHILD  
15    PURSUANT TO A COURT ORDER UNDER THIS CHAPTER, THE FAMILY COURT ACT OR AN  
16    ORDER ENFORCED UNDER ARTICLE FIVE-A OF THIS CHAPTER, BY A PERSON WHO IS  
17    NOT A PARENT OF THE CHILD. THIS SHALL INCLUDE GRANDPARENTS, SIBLINGS AND  
18    STEP-PARENTS.  
19    3. "PARENTING TIME" REFERS TO THE PERIOD OF TIME THAT A PARENT MAY  
20    SPEND WITH HIS OR HER CHILD PURSUANT TO A COURT ORDER UNDER THIS CHAP-

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

LBD06768-02-6

TER, THE FAMILY COURT ACT OR AN ORDER ENFORCED UNDER ARTICLE FIVE-A OF THIS CHAPTER.

S 2. Subdivision (b) of section 70 of the domestic relations law, as added by chapter 457 of the laws of 1988, is amended to read as follows:

(b) Any order under this section which applies to rights of [visitation] PARENTING TIME with a child remanded or placed in the care of a person, official, agency or institution pursuant to article ten of the family court act or pursuant to an instrument approved under section three hundred fifty-eight-a of the social services law, shall be enforceable pursuant to the provisions of part eight of article ten of [such] THE FAMILY COURT act, sections three hundred fifty-eight-a and three hundred eighty-four-a of the social services law and other applicable provisions of law against any person or official having care and custody, or temporary care and custody, of such child.

S 3. Subdivisions 3 and 4 of section 75-a of the domestic relations law, as added by chapter 386 of the laws of 2001, are amended to read as follows:

3. "Child custody determination" means a judgment, decree, or other order of a court providing for the legal custody, physical custody, or [visitation] PARENTING TIME with respect to a child. The term includes a permanent, temporary, initial, and modification order. The term does not include an order relating to child support or other monetary obligation of an individual.

4. "Child custody proceeding" means a proceeding in which legal custody, physical custody, [or] visitation OR PARENTING TIME with respect to a child is an issue. The term includes a proceeding for divorce, separation, neglect, abuse, dependency, guardianship, paternity, termination of parental rights, and protection from domestic violence, in which the issue may appear. The term does not include a proceeding involving juvenile delinquency, person in need of supervision, contractual emancipation, or enforcement under title three of this article.

S 4. Subdivision 1 of section 235 of the domestic relations law, as amended by chapter 122 of the laws of 1979, is amended to read as follows:

1. An officer of the court with whom the proceedings in a matrimonial action or a written agreement of separation or an action or proceeding for custody, [visitation] PARENTING TIME or maintenance of a child are filed, or before whom the testimony is taken, or his clerk, either before or after the termination of the suit, shall not permit a copy of any of the pleadings, affidavits, findings of fact, conclusions of law, judgment of dissolution, written agreement of separation or memorandum thereof, or testimony, or any examination or perusal thereof, to be taken by any other person than a party, or the attorney or counsel of a party, except by order of the court.

S 5. Subdivision (b) of section 237 of the domestic relations law, as amended by chapter 329 of the laws of 2010, is amended to read as follows:

(b) Upon any application to enforce, annul or modify an order or judgment for alimony, maintenance, distributive award, distribution of marital property or for custody, [visitation,] PARENTING TIME or maintenance of a child, made as in section two hundred thirty-six or section two hundred forty of this article provided, or upon any application by writ of habeas corpus or by petition and order to show cause concerning custody, [visitation] PARENTING TIME or maintenance of a child, the court may direct a spouse or parent to pay counsel fees and fees and expenses of experts directly to the attorney of the other spouse or

1 parent to enable the other party to carry on or defend the application  
2 or proceeding by the other spouse or parent as, in the court's  
3 discretion, justice requires, having regard to the circumstances of the  
4 case and of the respective parties. There shall be a rebuttable presump-  
5 tion that counsel fees shall be awarded to the less monied spouse. In  
6 exercising the court's discretion, the court shall seek to assure that  
7 each party shall be adequately represented and that where fees and  
8 expenses are to be awarded, they shall be awarded on a timely basis,  
9 pendente lite, so as to enable adequate representation from the  
10 commencement of the proceeding. Applications for the award of fees and  
11 expenses may be made at any time or times prior to final judgment. Both  
12 parties to the action or proceeding and their respective attorneys,  
13 shall file an affidavit with the court detailing the financial agree-  
14 ment, between the party and the attorney. Such affidavit shall include  
15 the amount of any retainer, the amounts paid and still owing thereunder,  
16 the hourly amount charged by the attorney, the amounts paid, or to be  
17 paid, any experts, and any additional costs, disbursements or expenses.  
18 Any applications for fees and expenses may be maintained by the attorney  
19 for either spouse in counsel's own name in the same proceeding. Payment  
20 of any retainer fees to the attorney for the petitioning party shall not  
21 preclude any awards of fees and expenses to an applicant which would  
22 otherwise be allowed under this section.

23 S 6. Paragraphs (a) and (a-1) of subdivision 1 of section 240 of the  
24 domestic relations law, paragraph (a) as amended by chapter 476 of the  
25 laws of 2009 and paragraph (a-1) as amended by chapter 295 of the laws  
26 of 2009, are amended to read as follows:

27 (a) In any action or proceeding brought (1) to annul a marriage or to  
28 declare the nullity of a void marriage, or (2) for a separation, or (3)  
29 for a divorce, or (4) to obtain, by a writ of habeas corpus or by peti-  
30 tion and order to show cause, the custody of or right to [visitation]  
31 PARENTING TIME with any child of a marriage, the court shall require  
32 verification of the status of any child of the marriage with respect to  
33 such child's custody and support, including any prior orders, and shall  
34 enter orders for custody and support as, in the court's discretion,  
35 justice requires, having regard to the circumstances of the case and of  
36 the respective parties and to the best interests of the child and  
37 subject to the provisions of subdivision one-c of this section. Where  
38 either party to an action concerning custody of or a right to [visita-  
39 tion] PARENTING TIME with a child alleges in a sworn petition or  
40 complaint or sworn answer, cross-petition, counterclaim or other sworn  
41 responsive pleading that the other party has committed an act of domes-  
42 tic violence against the party making the allegation or a family or  
43 household member of either party, as such family or household member is  
44 defined in article eight of the family court act, and such allegations  
45 are proven by a preponderance of the evidence, the court must consider  
46 the effect of such domestic violence upon the best interests of the  
47 child, together with such other facts and circumstances as the court  
48 deems relevant in making a direction pursuant to this section and state  
49 on the record how such findings, facts and circumstances factored into  
50 the direction. If a parent makes a good faith allegation based on a  
51 reasonable belief supported by facts that the child is the victim of  
52 child abuse, child neglect, or the effects of domestic violence, and if  
53 that parent acts lawfully and in good faith in response to that reason-  
54 able belief to protect the child or seek treatment for the child, then  
55 that parent shall not be deprived of custody, [visitation] PARENTING  
56 TIME or contact with the child, or restricted in custody, [visitation]

1 PARENTING TIME or contact, based solely on that belief or the reasonable  
2 actions taken based on that belief. If an allegation that a child is  
3 abused is supported by a preponderance of the evidence, then the court  
4 shall consider such evidence of abuse in determining the [visitation  
5 arrangement] PARENTING TIME that is in the best interest of the child,  
6 and the court shall not place a child in the custody of a parent who  
7 presents a substantial risk of harm to that child, and shall state on  
8 the record how such findings were factored into the determination. An  
9 order directing the payment of child support shall contain the social  
10 security numbers of the named parties. In all cases there shall be no  
11 prima facie right to the custody of the child in either parent. Such  
12 direction shall make provision for child support out of the property of  
13 either or both parents. The court shall make its award for child support  
14 pursuant to subdivision one-b of this section. Such direction may  
15 provide for reasonable visitation rights to the maternal and/or paternal  
16 grandparents of any child of the parties. Such direction as it applies  
17 to rights of [visitation] PARENTING TIME with a child remanded or placed  
18 in the care of a person, official, agency or institution pursuant to  
19 article ten of the family court act, or pursuant to an instrument  
20 approved under section three hundred fifty-eight-a of the social  
21 services law, shall be enforceable pursuant to part eight of article ten  
22 of the family court act and sections three hundred fifty-eight-a and  
23 three hundred eighty-four-a of the social services law and other appli-  
24 cable provisions of law against any person having care and custody, or  
25 temporary care and custody, of the child. Notwithstanding any other  
26 provision of law, any written application or motion to the court for the  
27 establishment, modification or enforcement of a child support obligation  
28 for persons not in receipt of public assistance and care must contain  
29 either a request for child support enforcement services which would  
30 authorize the collection of the support obligation by the immediate  
31 issuance of an income execution for support enforcement as provided for  
32 by this chapter, completed in the manner specified in section one  
33 hundred eleven-g of the social services law; or a statement that the  
34 applicant has applied for or is in receipt of such services; or a state-  
35 ment that the applicant knows of the availability of such services, has  
36 declined them at this time and where support enforcement services pursu-  
37 ant to section one hundred eleven-g of the social services law have been  
38 declined that the applicant understands that an income deduction order  
39 may be issued pursuant to subdivision (c) of section fifty-two hundred  
40 forty-two of the civil practice law and rules without other child  
41 support enforcement services and that payment of an administrative fee  
42 may be required. The court shall provide a copy of any such request for  
43 child support enforcement services to the support collection unit of the  
44 appropriate social services district any time it directs payments to be  
45 made to such support collection unit. Additionally, the copy of any such  
46 request shall be accompanied by the name, address and social security  
47 number of the parties; the date and place of the parties' marriage; the  
48 name and date of birth of the child or children; and the name and  
49 address of the employers and income payors of the party from whom child  
50 support is sought or from the party ordered to pay child support to the  
51 other party. Such direction may require the payment of a sum or sums of  
52 money either directly to the custodial parent or to third persons for  
53 goods or services furnished for such child, or for both payments to the  
54 custodial parent and to such third persons; provided, however, that  
55 unless the party seeking or receiving child support has applied for or  
56 is receiving such services, the court shall not direct such payments to

1 be made to the support collection unit, as established in section one  
2 hundred eleven-h of the social services law. Every order directing the  
3 payment of support shall require that if either parent currently, or at  
4 any time in the future, has health insurance benefits available that may  
5 be extended or obtained to cover the child, such parent is required to  
6 exercise the option of additional coverage in favor of such child and  
7 execute and deliver to such person any forms, notices, documents or  
8 instruments necessary to assure timely payment of any health insurance  
9 claims for such child.

10 (a-1)(1) Permanent and initial temporary orders of custody or [visita-  
11 tion] PARENTING TIME. Prior to the issuance of any permanent or initial  
12 temporary order of custody or [visitation] PARENTING TIME, the court  
13 shall conduct a review of the decisions and reports listed in subpara-  
14 graph three of this paragraph.

15 (2) Successive temporary orders of custody or [visitation] PARENTING  
16 TIME. Prior to the issuance of any successive temporary order of custo-  
17 dy or [visitation] PARENTING TIME, the court shall conduct a review of  
18 the decisions and reports listed in subparagraph three of this para-  
19 graph, unless such a review has been conducted within ninety days prior  
20 to the issuance of such order.

21 (3) Decisions and reports for review. The court shall conduct a review  
22 of the following:

23 (i) related decisions in court proceedings initiated pursuant to arti-  
24 cle ten of the family court act, and all warrants issued under the fami-  
25 ly court act; and

26 (ii) reports of the statewide computerized registry of orders of  
27 protection established and maintained pursuant to section two hundred  
28 twenty-one-a of the executive law, and reports of the sex offender  
29 registry established and maintained pursuant to section one hundred  
30 sixty-eight-b of the correction law.

31 (4) Notifying counsel and issuing orders. Upon consideration of deci-  
32 sions pursuant to article ten of the family court act, and registry  
33 reports and notifying counsel involved in the proceeding, or in the  
34 event of a self-represented party, notifying such party of the results  
35 thereof, including any court appointed attorney for children, the court  
36 may issue a temporary, successive temporary or final order of custody or  
37 [visitation] PARENTING TIME.

38 (5) Temporary emergency order. Notwithstanding any other provision of  
39 the law, upon emergency situations, including computer malfunctions, to  
40 serve the best interest of the child, the court may issue a temporary  
41 emergency order for custody or [visitation] PARENTING TIME in the event  
42 that it is not possible to timely review decisions and reports on regis-  
43 tries as required pursuant to subparagraph three of this paragraph.

44 (6) After issuing a temporary emergency order. After issuing a tempo-  
45 rary emergency order of custody or [visitation] PARENTING TIME, the  
46 court shall conduct reviews of the decisions and reports on registries  
47 as required pursuant to subparagraph three of this paragraph within  
48 twenty-four hours of the issuance of such temporary emergency order.  
49 Should such twenty-four hour period fall on a day when court is not in  
50 session, then the required reviews shall take place the next day the  
51 court is in session. Upon reviewing decisions and reports the court  
52 shall notify associated counsel, self-represented parties and attorneys  
53 for children pursuant to subparagraph four of this paragraph and may  
54 issue temporary or permanent custody or [visitation] PARENTING TIME  
55 orders.

1 (7) Feasibility study. The commissioner of the office of children and  
2 family services, in conjunction with the office of court administration,  
3 is hereby authorized and directed to examine, study, evaluate and make  
4 recommendations concerning the feasibility of the utilization of comput-  
5 ers in courts which are connected to the statewide central register of  
6 child abuse and maltreatment established and maintained pursuant to  
7 section four hundred twenty-two of the social services law, as a means  
8 of providing courts with information regarding parties requesting orders  
9 of custody or [visitation] PARENTING TIME. Such commissioner shall make  
10 a preliminary report to the governor and the legislature of findings,  
11 conclusions and recommendations not later than January first, two thou-  
12 sand nine, and a final report of findings, conclusions and recommenda-  
13 tions not later than June first, two thousand nine, and shall submit  
14 with the reports such legislative proposals as are deemed necessary to  
15 implement the commissioner's recommendations.

16 S 7. Paragraph (a) of subdivision 1 of section 240 of the domestic  
17 relations law, as amended by chapter 567 of the laws of 2015, is amended  
18 to read as follows:

19 (a) In any action or proceeding brought (1) to annul a marriage or to  
20 declare the nullity of a void marriage, or (2) for a separation, or (3)  
21 for a divorce, or (4) to obtain, by a writ of habeas corpus or by peti-  
22 tion and order to show cause, the custody of or right to [visitation]  
23 PARENTING TIME with any child of a marriage, the court shall require  
24 verification of the status of any child of the marriage with respect to  
25 such child's custody and support, including any prior orders, and shall  
26 enter orders for custody and support as, in the court's discretion,  
27 justice requires, having regard to the circumstances of the case and of  
28 the respective parties and to the best interests of the child and  
29 subject to the provisions of subdivision one-c of this section. Where  
30 either party to an action concerning custody of or a right to [visita-  
31 tion] PARENTING TIME with a child alleges in a sworn petition or  
32 complaint or sworn answer, cross-petition, counterclaim or other sworn  
33 responsive pleading that the other party has committed an act of domes-  
34 tic violence against the party making the allegation or a family or  
35 household member of either party, as such family or household member is  
36 defined in article eight of the family court act, and such allegations  
37 are proven by a preponderance of the evidence, the court must consider  
38 the effect of such domestic violence upon the best interests of the  
39 child, together with such other facts and circumstances as the court  
40 deems relevant in making a direction pursuant to this section and state  
41 on the record how such findings, facts and circumstances factored into  
42 the direction. If a parent makes a good faith allegation based on a  
43 reasonable belief supported by facts that the child is the victim of  
44 child abuse, child neglect, or the effects of domestic violence, and if  
45 that parent acts lawfully and in good faith in response to that reason-  
46 able belief to protect the child or seek treatment for the child, then  
47 that parent shall not be deprived of custody, [visitation] PARENTING  
48 TIME or contact with the child, or restricted in custody, [visitation]  
49 PARENTING TIME or contact, based solely on that belief or the reasonable  
50 actions taken based on that belief. If an allegation that a child is  
51 abused is supported by a preponderance of the evidence, then the court  
52 shall consider such evidence of abuse in determining the [visitation  
53 arrangement] PARENTING TIME that is in the best interest of the child,  
54 and the court shall not place a child in the custody of a parent who  
55 presents a substantial risk of harm to that child, and shall state on  
56 the record how such findings were factored into the determination. Where

1 a proceeding filed pursuant to article ten or ten-A of the family court  
2 act is pending at the same time as a proceeding brought in the supreme  
3 court involving the custody of, or right to [visitation] PARENTING TIME  
4 with, any child of a marriage, the court presiding over the proceeding  
5 under article ten or ten-A of the family court act may jointly hear the  
6 dispositional hearing on the petition under article ten or the permanen-  
7 cy hearing under article ten-A of the family court act and, upon refer-  
8 ral from the supreme court, the hearing to resolve the matter of custody  
9 or [visitation] PARENTING TIME in the proceeding pending in the supreme  
10 court; provided however, the court must determine custody or [visita-  
11 tion] PARENTING TIME in accordance with the terms of this section.

12 An order directing the payment of child support shall contain the  
13 social security numbers of the named parties. In all cases there shall  
14 be no prima facie right to the custody of the child in either parent.  
15 Such direction shall make provision for child support out of the proper-  
16 ty of either or both parents. The court shall make its award for child  
17 support pursuant to subdivision one-b of this section. Such direction  
18 may provide for reasonable visitation rights to the maternal and/or  
19 paternal grandparents of any child of the parties. Such direction as it  
20 applies to rights of [visitation] PARENTING TIME with a child remanded  
21 or placed in the care of a person, official, agency or institution  
22 pursuant to article ten of the family court act, or pursuant to an  
23 instrument approved under section three hundred fifty-eight-a of the  
24 social services law, shall be enforceable pursuant to part eight of  
25 article ten of the family court act and sections three hundred fifty-  
26 eight-a and three hundred eighty-four-a of the social services law and  
27 other applicable provisions of law against any person having care and  
28 custody, or temporary care and custody, of the child. Notwithstanding  
29 any other provision of law, any written application or motion to the  
30 court for the establishment, modification or enforcement of a child  
31 support obligation for persons not in receipt of public assistance and  
32 care must contain either a request for child support enforcement  
33 services which would authorize the collection of the support obligation  
34 by the immediate issuance of an income execution for support enforcement  
35 as provided for by this chapter, completed in the manner specified in  
36 section one hundred eleven-g of the social services law; or a statement  
37 that the applicant has applied for or is in receipt of such services; or  
38 a statement that the applicant knows of the availability of such  
39 services, has declined them at this time and where support enforcement  
40 services pursuant to section one hundred eleven-g of the social services  
41 law have been declined that the applicant understands that an income  
42 deduction order may be issued pursuant to subdivision (c) of section  
43 fifty-two hundred forty-two of the civil practice law and rules without  
44 other child support enforcement services and that payment of an adminis-  
45 trative fee may be required. The court shall provide a copy of any such  
46 request for child support enforcement services to the support collection  
47 unit of the appropriate social services district any time it directs  
48 payments to be made to such support collection unit. Additionally, the  
49 copy of any such request shall be accompanied by the name, address and  
50 social security number of the parties; the date and place of the  
51 parties' marriage; the name and date of birth of the child or children;  
52 and the name and address of the employers and income payors of the party  
53 from whom child support is sought or from the party ordered to pay child  
54 support to the other party. Such direction may require the payment of a  
55 sum or sums of money either directly to the custodial parent or to third  
56 persons for goods or services furnished for such child, or for both

1 payments to the custodial parent and to such third persons; provided,  
2 however, that unless the party seeking or receiving child support has  
3 applied for or is receiving such services, the court shall not direct  
4 such payments to be made to the support collection unit, as established  
5 in section one hundred eleven-h of the social services law. Every order  
6 directing the payment of support shall require that if either parent  
7 currently, or at any time in the future, has health insurance benefits  
8 available that may be extended or obtained to cover the child, such  
9 parent is required to exercise the option of additional coverage in  
10 favor of such child and execute and deliver to such person any forms,  
11 notices, documents or instruments necessary to assure timely payment of  
12 any health insurance claims for such child.

13 S 8. Subdivision 1-a of section 240 of the domestic relations law, as  
14 amended by chapter 12 of the laws of 1996, is amended to read as  
15 follows:

16 1-a. In any proceeding brought pursuant to this section to determine  
17 the custody or [visitation] PARENTING TIME of minors, a report made to  
18 the statewide central register of child abuse and maltreatment, pursuant  
19 to title six of article six of the social services law, or a portion  
20 thereof, which is otherwise admissible as a business record pursuant to  
21 rule forty-five hundred eighteen of the civil practice law and rules  
22 shall not be admissible in evidence, notwithstanding such rule, unless  
23 an investigation of such report conducted pursuant to title six of arti-  
24 cle six of the social services law has determined that there is some  
25 credible evidence of the alleged abuse or maltreatment and that the  
26 subject of the report has been notified that the report is indicated.  
27 In addition, if such report has been reviewed by the [state] commission-  
28 er of [social] THE OFFICE OF CHILDREN AND FAMILY services or his desig-  
29 nee and has been determined to be unfounded, it shall not be admissible  
30 in evidence. If such report has been so reviewed and has been amended to  
31 delete any finding, each such deleted finding shall not be admissible.  
32 If the [state] commissioner of [social] THE OFFICE OF CHILDREN AND FAMI-  
33 LY services or his designee has amended the report to add any new find-  
34 ing, each such new finding, together with any portion of the original  
35 report not deleted by [the] SUCH commissioner or his designee, shall be  
36 admissible if it meets the other requirements of this subdivision and is  
37 otherwise admissible as a business record. If such a report, or portion  
38 thereof, is admissible in evidence but is uncorroborated, it shall not  
39 be sufficient to make a fact finding of abuse or maltreatment in such  
40 proceeding. Any other evidence tending to support the reliability of  
41 such report shall be sufficient corroboration.

42 S 9. Subparagraph 9 of paragraph (f) of subdivision 1-b of section 240  
43 of the domestic relations law, as added by chapter 567 of the laws of  
44 1989, is amended to read as follows:

45 (9) Provided that the child is not on public assistance (i) extraor-  
46 dinary expenses incurred by the non-custodial parent in exercising  
47 [visitation] PARENTING TIME, or (ii) expenses incurred by the non-custo-  
48 dial parent in extended [visitation] PARENTING TIME provided that the  
49 custodial parent's expenses are substantially reduced as a result there-  
50 of; and

51 S 10. Paragraph c of subdivision 3 of section 240 of the domestic  
52 relations law, as amended by chapter 597 of the laws of 1998, is amended  
53 to read as follows:

54 c. An order of protection entered pursuant to this subdivision may be  
55 made in the final judgment in any matrimonial action or in a proceeding  
56 to obtain custody of or [visitation] PARENTING TIME with any child under



1 this section, or by one or more orders from time to time before or  
2 subsequent to final judgment, or by both such order or orders and the  
3 final judgment. The order of protection may remain in effect after entry  
4 of a final matrimonial judgment and during the minority of any child  
5 whose custody or [visitation] PARENTING TIME is the subject of a  
6 provision of a final judgment or any order. An order of protection may  
7 be entered notwithstanding that the court for any reason whatsoever,  
8 other than lack of jurisdiction, refuses to grant the relief requested  
9 in the action or proceeding.

10 S 11. Section 241 of the domestic relations law, as amended by chapter  
11 892 of the laws of 1986, is amended to read as follows:

12 S 241. Interference with or withholding of [visitation] PARENTING TIME  
13 rights; alimony or maintenance suspension. When it appears to the satis-  
14 faction of the court that a custodial parent receiving alimony or main-  
15 tenance pursuant to an order, judgment or decree of a court of competent  
16 jurisdiction has wrongfully interfered with or withheld [visitation]  
17 PARENTING TIME rights provided by such order, judgment or decree, the  
18 court, in its discretion, may suspend such payments or cancel any  
19 arrears that may have accrued during the time that [visitation] PARENT-  
20 ING TIME rights have been or are being interfered with or withheld.  
21 Nothing in this section shall constitute a defense in any court to an  
22 application to enforce payment of child support or grounds for the  
23 cancellation of arrears for child support.

24 S 12. Section 251 of the domestic relations law, as added by chapter  
25 164 of the laws of 1973, is amended to read as follows:

26 S 251. Filing of order in family court. When, in a matrimonial action,  
27 the supreme court refers the issues of support, custody or [visitation]  
28 PARENTING TIME to the family court, the order or judgment shall provide  
29 that a copy thereof shall be filed by the plaintiff's attorney, within  
30 ten days, with the clerk of the family court therein specified.

31 S 13. Paragraph (b) of subdivision 1 of section 252 of the domestic  
32 relations law, as amended by chapter 526 of the laws of 2013, is amended  
33 to read as follows:

34 (b) to permit a parent, or a person entitled to visitation OR PARENT-  
35 ING TIME by a court order or a separation agreement, to [visit] BE WITH  
36 the child at stated periods;

37 S 14. Subdivision 3 of section 252 of the domestic relations law, as  
38 added by chapter 349 of the laws of 1995, is amended to read as follows:

39 3. An order of protection entered pursuant to this subdivision may be  
40 made in the final judgment in any matrimonial action, or by one or more  
41 orders from time to time before or subsequent to final judgment, or by  
42 both such order or orders and the final judgment. The order of  
43 protection may remain in effect after entry of a final matrimonial judg-  
44 ment and during the minority of any child whose custody or [visitation]  
45 PARENTING TIME is the subject of a provision of a final judgment or any  
46 order. An order of protection may be entered notwithstanding that the  
47 court for any reason whatsoever, other than lack of jurisdiction,  
48 refuses to grant the relief requested in the action or proceeding.

49 S 15. Subparagraph 9 of paragraph (f) of subdivision 1 of section 413  
50 of the family court act, as amended by chapter 567 of the laws of 1989,  
51 is amended to read as follows:

52 (9) Provided that the child is not on public assistance (i) extraor-  
53 dinary expenses incurred by the non-custodial parent in exercising  
54 [visitation] PARENTING TIME, or (ii) expenses incurred by the non-custo-  
55 dial parent in extended [visitation] PARENTING TIME provided that the

1 custodial parent's expenses are substantially reduced as a result there-  
2 of; and

3 S 16. Subdivisions (a) and (c) of section 439 of the family court act,  
4 subdivision (a) as amended by section 1 of chapter 468 of the laws of  
5 2012, and subdivision (c) as amended by chapter 576 of the laws of 2005,  
6 are amended to read as follows:

7 (a) The chief administrator of the courts shall provide, in accordance  
8 with subdivision (f) of this section, for the appointment of a suffi-  
9 cient number of support magistrates to hear and determine support  
10 proceedings. Except as hereinafter provided, support magistrates shall  
11 be empowered to hear, determine and grant any relief within the powers  
12 of the court in any proceeding under this article, articles five,  
13 five-A, and five-B and sections two hundred thirty-four and two hundred  
14 thirty-five of this act, and objections raised pursuant to section five  
15 thousand two hundred forty-one of the civil practice law and rules.  
16 Support magistrates shall not be empowered to hear, determine and grant  
17 any relief with respect to issues specified in section four hundred  
18 fifty-five of this article, issues of contested paternity involving  
19 claims of equitable estoppel, custody, [visitation] PARENTING TIME  
20 including [visitation] PARENTING TIME as a defense, and orders of  
21 protection or exclusive possession of the home, which shall be referred  
22 to a judge as provided in subdivision (b) or (c) of this section. Where  
23 an order of filiation is issued by a judge in a paternity proceeding and  
24 child support is in issue, the judge, or support magistrate upon refer-  
25 ral from the judge, shall be authorized to immediately make a temporary  
26 or final order of support, as applicable. A support magistrate shall  
27 have the authority to hear and decide motions and issue summonses and  
28 subpoenas to produce persons pursuant to section one hundred fifty-three  
29 of this act, hear and decide proceedings and issue any order authorized  
30 by subdivision (g) of section five thousand two hundred forty-one of the  
31 civil practice law and rules, issue subpoenas to produce prisoners  
32 pursuant to section two thousand three hundred two of the civil practice  
33 law and rules and make a determination that any person before the  
34 support magistrate is in violation of an order of the court as author-  
35 ized by section one hundred fifty-six of this act subject to confirma-  
36 tion by a judge of the court who shall impose any punishment for such  
37 violation as provided by law. A determination by a support magistrate  
38 that a person is in willful violation of an order under subdivision  
39 three of section four hundred fifty-four of this article and that recom-  
40 mends commitment shall be transmitted to the parties, accompanied by  
41 findings of fact, but the determination shall have no force and effect  
42 until confirmed by a judge of the court.

43 (c) The support magistrate, in any proceeding in which issues speci-  
44 fied in section four hundred fifty-five of this [act] ARTICLE, or issues  
45 of custody, [visitation] PARENTING TIME, including [visitation] PARENT-  
46 ING TIME as a defense, orders of protection or exclusive possession of  
47 the home are present or in which paternity is contested on the grounds  
48 of equitable estoppel, shall make a temporary order of support and refer  
49 the proceeding to a judge. Upon determination of such issue by a judge,  
50 the judge may make a final determination of the issue of support, or  
51 immediately refer the proceeding to a support magistrate for further  
52 proceedings regarding child support or other matters within the authori-  
53 ty of the support magistrate.

54 S 17. Subdivision (a) of section 439 of the family court act, as  
55 amended by section 2 of chapter 468 of the laws of 2012, is amended to  
56 read as follows:

1 (a) The chief administrator of the courts shall provide, in accordance  
2 with subdivision (f) of this section, for the appointment of a suffi-  
3 cient number of support magistrates to hear and determine support  
4 proceedings. Except as hereinafter provided, support magistrates shall  
5 be empowered to hear, determine and grant any relief within the powers  
6 of the court in any proceeding under this article, articles five,  
7 five-A, and five-B and sections two hundred thirty-four and two hundred  
8 thirty-five of this act, and objections raised pursuant to section five  
9 thousand two hundred forty-one of the civil practice law and rules.  
10 Support magistrates shall not be empowered to hear, determine and grant  
11 any relief with respect to issues specified in section four hundred  
12 fifty-five of this article, issues of contested paternity involving  
13 claims of equitable estoppel, custody, [visitation] PARENTING TIME  
14 including [visitation] PARENTING TIME as a defense, and orders of  
15 protection or exclusive possession of the home, which shall be referred  
16 to a judge as provided in subdivision (b) or (c) of this section. Where  
17 an order of filiation is issued by a judge in a paternity proceeding and  
18 child support is in issue, the judge, or support magistrate upon refer-  
19 ral from the judge, shall be authorized to immediately make a temporary  
20 or final order of support, as applicable. A support magistrate shall  
21 have the authority to hear and decide motions and issue summonses and  
22 subpoenas to produce persons pursuant to section one hundred fifty-three  
23 of this act, hear and decide proceedings and issue any order authorized  
24 by subdivision (g) of section five thousand two hundred forty-one of the  
25 civil practice law and rules, issue subpoenas to produce prisoners  
26 pursuant to section two thousand three hundred two of the civil practice  
27 law and rules and make a determination that any person before the  
28 support magistrate is in violation of an order of the court as author-  
29 ized by section one hundred fifty-six of this act subject to confirma-  
30 tion by a judge of the court who shall impose any punishment for such  
31 violation as provided by law. A determination by a support magistrate  
32 that a person is in willful violation of an order under subdivision  
33 three of section four hundred fifty-four of this article and that recom-  
34 mends commitment shall be transmitted to the parties, accompanied by  
35 findings of fact, but the determination shall have no force and effect  
36 until confirmed by a judge of the court.

37 S 18. Subdivision (b) of section 446 of the family court act, as  
38 amended by chapter 526 of the laws of 2013, is amended to read as  
39 follows:

40 (b) to permit a parent, or a person entitled to visitation OR PARENT-  
41 ING TIME by a court order or a separation agreement, to [visit] BE WITH  
42 the child at stated periods;

43 S 19. Section 447 of the family court act, subdivision (a) as amended  
44 by chapter 85 of the laws of 1996, is amended to read as follows:

45 S 447. Order of [visitation] PARENTING TIME. (a) In the absence of an  
46 order of custody or of [visitation] PARENTING TIME entered by the  
47 supreme court, the court may make an order of custody or of [visitation]  
48 PARENTING TIME, in accordance with subdivision one of section two  
49 hundred forty of the domestic relations law, requiring one parent to  
50 permit the other to [visit] BE WITH the children at stated periods with-  
51 out an order of protection, even where the parents are divorced and the  
52 support order is for a child only.

53 (b) Any order of the family court under this section shall terminate  
54 when the supreme court makes an order of custody or of [visitation]  
55 PARENTING TIME concerning the children, unless the supreme court contin-  
56 ues the order of the family court.

1 S 20. Subdivision (a) of section 456 of the family court act, as  
2 amended by chapter 809 of the laws of 1963, is amended to read as  
3 follows:

4 (a) No person may be placed on probation under this article unless the  
5 court makes an order to that effect, either at the time of the making of  
6 an order of support or under section four hundred fifty-four OF THIS  
7 PART. The period of probation may continue so long as an order of  
8 support, order of protection or order of [visitation] PARENTING TIME  
9 applies to such person.

10 S 21. Subdivisions (a) and (b) of section 467 of the family court act,  
11 as amended by chapter 40 of the laws of 1981, are amended to read as  
12 follows:

13 (a) In an action for divorce, separation or annulment, the supreme  
14 court may refer to the family court the determination of applications to  
15 fix temporary or permanent custody or [visitation] PARENTING TIME,  
16 applications to enforce judgments and orders of custody or [visitation]  
17 PARENTING TIME, and applications to modify judgments and orders of  
18 custody which modification may be granted only upon a showing to the  
19 family court that there has been a subsequent change of circumstances  
20 and that modification is required.

21 (b) In the event no such referral has been made and unless the supreme  
22 court provides in the order or judgment awarding custody or [visitation]  
23 PARENTING TIME in an action for divorce, separation or annulment, that  
24 it may be enforced or modified only in the supreme court, the family  
25 court may: (i) determine an application to enforce the order or judgment  
26 awarding custody or [visitation] PARENTING TIME, or (ii) determine an  
27 application to modify the order or judgment awarding custody or [visita-  
28 tion] PARENTING TIME upon a showing that there has been a subsequent  
29 change of circumstances and modification is required.

30 S 22. Section 511 of the family court act, as amended by chapter 533  
31 of the laws of 1999, is amended to read as follows:

32 S 511. Jurisdiction. Except as otherwise provided, the family court  
33 has exclusive original jurisdiction in proceedings to establish paterni-  
34 ty and, in any such proceedings in which it makes a finding of paterni-  
35 ty, to order support and to make orders of custody or of [visitation]  
36 PARENTING TIME, as set forth in this article. On its own motion, the  
37 court may at any time in the proceedings also direct the filing of a  
38 neglect petition in accord with the provisions of article ten of this  
39 act. In accordance with the provisions of section one hundred eleven-b  
40 of the domestic relations law, the surrogate's court has original juris-  
41 diction concurrent with the family court to determine the issues relat-  
42 ing to the establishment of paternity.

43 S 23. Section 549 of the family court act, as added by chapter 952 of  
44 the laws of 1971, subdivision (a) as amended by chapter 85 of the laws  
45 of 1996, is amended to read as follows:

46 S 549. Order of [visitation] PARENTING TIME. (a) If an order of fili-  
47 ation is made or if a paternity agreement or compromise is approved by  
48 the court, in the absence of an order of custody or of [visitation]  
49 PARENTING TIME entered by the supreme court the family court may make an  
50 order of custody or of [visitation] PARENTING TIME, in accordance with  
51 subdivision one of section two hundred forty of the domestic relations  
52 law, requiring one parent to permit the other to [visit] BE WITH the  
53 child or children at stated periods.

54 (b) Any order of the family court under this section shall terminate  
55 when the supreme court makes an order of custody or of [visitation]

1 PARENTING TIME concerning the child or children, unless the supreme  
2 court continues the order of the family court.

3 S 24. Subdivision (b) of section 551 of the family court act, as  
4 amended by chapter 526 of the laws of 2013, is amended to read as  
5 follows:

6 (b) to permit a parent PARENTING TIME, or a person entitled to visita-  
7 tion by a court order or a separation agreement to [visit] BE WITH the  
8 child at stated periods;

9 S 25. Section 651 of the family court act, as amended by chapter 85 of  
10 the laws of 1996, subdivision (b) as amended by chapter 657 of the laws  
11 of 2003, subdivision (c-1) as added by chapter 567 of the laws of 2015,  
12 subdivision (d) as amended by chapter 41 of the laws of 2010, subdivi-  
13 sion (e) as amended by chapter 295 of the laws of 2009 and subdivision  
14 (f) as added by chapter 473 of the laws of 2009, is amended to read as  
15 follows:

16 S 651. Jurisdiction over habeas corpus proceedings and petitions for  
17 custody [and], visitation AND PARENTING TIME of minors. (a) When  
18 referred from the supreme court or county court to the family court, the  
19 family court has jurisdiction to determine, in accordance with subdivi-  
20 sion one of section two hundred forty of the domestic relations law and  
21 with the same powers possessed by the supreme court in addition to its  
22 own powers, habeas corpus proceedings and proceedings brought by peti-  
23 tion and order to show cause, for the determination of the custody [or],  
24 visitation AND PARENTING TIME of minors.

25 (b) When initiated in the family court, the family court has jurisdic-  
26 tion to determine, in accordance with subdivision one of section two  
27 hundred forty of the domestic relations law and with the same powers  
28 possessed by the supreme court in addition to its own powers, habeas  
29 corpus proceedings and proceedings brought by petition and order to show  
30 cause, for the determination of the custody [or], visitation AND PARENT-  
31 ING TIME of minors, including applications by a grandparent or grandpar-  
32 ents for visitation or custody rights pursuant to section seventy-two or  
33 two hundred forty of the domestic relations law.

34 (c) When initiated in the family court pursuant to a petition under  
35 part eight of article ten of this act or section three hundred fifty-  
36 eight-a of the social services law, the family court has jurisdiction to  
37 enforce or modify orders or judgments of the supreme court relating to  
38 the [visitation] PARENTING TIME of minors in foster care, notwithstand-  
39 ing any limitation contained in subdivision (b) of section four hundred  
40 sixty-seven of this act.

41 (c-1) Where a proceeding filed pursuant to article ten or ten-A of  
42 this act is pending at the same time as a proceeding brought in the  
43 family court pursuant to this article, the court presiding over the  
44 proceeding under article ten or ten-A of this act may jointly hear the  
45 hearing on the custody [and], visitation, AND PARENTING TIME petition  
46 under this article and the dispositional hearing on the petition under  
47 article ten or the permanency hearing under article ten-A of this act;  
48 provided, however, the court must determine the custody [and], visita-  
49 tion AND PARENTING TIME petition in accordance with the terms of this  
50 article.

51 (d) With respect to applications by a grandparent or grandparents for  
52 visitation or custody rights, made pursuant to section seventy-two or  
53 two hundred forty of the domestic relations law, with a child remanded  
54 or placed in the care of a person, official, agency or institution  
55 pursuant to the provisions of article ten of this act, the applicant, in  
56 such manner as the court shall prescribe, shall serve a copy of the

1 application upon the social services official having care and custody of  
2 such child, and the child's attorney, who shall be afforded an opportu-  
3 nity to be heard thereon.

4 (e) 1. Permanent and initial temporary orders of custody or [visita-  
5 tion] PARENTING TIME. Prior to the issuance of any permanent or initial  
6 temporary order of custody or [visitation] PARENTING TIME, the court  
7 shall conduct a review of the decisions and reports listed in paragraph  
8 three of this subdivision.

9 2. Successive temporary orders of custody or [visitation] PARENTING  
10 TIME. Prior to the issuance of any successive temporary order of custo-  
11 dy or [visitation] PARENTING TIME, the court shall conduct a review of  
12 the decisions and reports listed in paragraph three of this subdivision,  
13 unless such a review has been conducted within ninety days prior to the  
14 issuance of such order.

15 3. Decisions and reports for review. The court shall conduct a review  
16 of the following:

17 (i) related decisions in court proceedings initiated pursuant to arti-  
18 cle ten of this act, and all warrants issued under this act; and

19 (ii) reports of the statewide computerized registry of orders of  
20 protection established and maintained pursuant to section two hundred  
21 twenty-one-a of the executive law, and reports of the sex offender  
22 registry established and maintained pursuant to section one hundred  
23 sixty-eight-b of the correction law.

24 4. Notifying counsel and issuing orders. Upon consideration of deci-  
25 sions pursuant to article ten of this act, and registry reports and  
26 notifying counsel involved in the proceeding, or in the event of a self-  
27 represented party, notifying such party of the results thereof, includ-  
28 ing any court appointed attorney for children, the court may issue a  
29 temporary, successive temporary or final order of custody or [visita-  
30 tion] PARENTING TIME.

31 5. Temporary emergency order. Notwithstanding any other provision of  
32 the law, upon emergency situations, including computer malfunctions, to  
33 serve the best interest of the child, the court may issue a temporary  
34 emergency order for custody or [visitation] PARENTING TIME in the event  
35 that it is not possible to timely review decisions and reports on regis-  
36 tries as required pursuant to paragraph three of this subdivision.

37 6. After issuing a temporary emergency order. After issuing a tempo-  
38 rary emergency order of custody or [visitation] PARENTING TIME, the  
39 court shall conduct reviews of the decisions and reports on registries  
40 as required pursuant to paragraph three of this subdivision within twen-  
41 ty-four hours of the issuance of such temporary emergency order. Should  
42 such twenty-four hour period fall on a day when court is not in session,  
43 then the required reviews shall take place the next day the court is in  
44 session. Upon reviewing decisions and reports the court shall notify  
45 associated counsel, self-represented parties and attorneys for children  
46 pursuant to paragraph four of this subdivision and may issue temporary  
47 or permanent custody or [visitation] PARENTING TIME orders.

48 7. Feasibility study. The commissioner of the office of children and  
49 family services, in conjunction with the office of court administration,  
50 is hereby authorized and directed to examine, study, evaluate and make  
51 recommendations concerning the feasibility of the utilization of comput-  
52 ers in family courts which are connected to the statewide central regis-  
53 ter of child abuse and maltreatment established and maintained pursuant  
54 to section four hundred twenty-two of the social services law, as a  
55 means of providing family courts with information regarding parties  
56 requesting orders of custody or [visitation] PARENTING TIME. Such

1 commissioner shall make a preliminary report to the governor and the  
2 legislature of findings, conclusions and recommendations not later than  
3 January thirty-first, two thousand nine, and a final report of findings,  
4 conclusions and recommendations not later than June first, two thousand  
5 nine, and shall submit with the reports such legislative proposals as  
6 are deemed necessary to implement the commissioner's recommendations.

7 (f) Military service by parent; effect on child custody orders. 1.  
8 During the period of time that a parent is activated, deployed or tempo-  
9 rarily assigned to military service, such that the parent's ability to  
10 continue as a joint caretaker or the primary caretaker of a minor child  
11 is materially affected by such military service, any orders issued  
12 pursuant to this section, based on the fact that the parent is acti-  
13 vated, deployed or temporarily assigned to military service, which would  
14 materially affect or change a previous judgment or order regarding  
15 custody of that parent's child or children as such judgment or order  
16 existed on the date the parent was activated, deployed, or temporarily  
17 assigned to military service, shall be subject to review pursuant to  
18 paragraph three of this subdivision. Any relevant provisions of the  
19 Service Member's Civil Relief Act shall apply to all proceedings  
20 governed by this section.

21 2. During such period, the court may enter an order to modify custody  
22 if there is clear and convincing evidence that the modification is in  
23 the best interests of the child. An attorney for the child shall be  
24 appointed in all cases where a modification is sought during such mili-  
25 tary service. Such order shall be subject to review pursuant to para-  
26 graph three of this subdivision. When entering an order pursuant to this  
27 section, the court shall consider and provide for, if feasible and if in  
28 the best interests of the child, contact between the military service  
29 member and his or her child including, but not limited to, electronic  
30 communication by e-mail, webcam, telephone, or other available means.  
31 During the period of the parent's leave from military service, the court  
32 shall consider the best interests of the child when establishing a  
33 parenting schedule, including visiting and other contact. For such  
34 purpose, a "leave from military service" shall be a period of not more  
35 than three months.

36 3. Unless the parties have otherwise stipulated or agreed, if an order  
37 is issued pursuant to this subdivision, the return of the parent from  
38 active military service, deployment or temporary assignment shall be  
39 considered a substantial change in circumstances. Upon the request of  
40 either parent, the court shall determine on the basis of the child's  
41 best interests whether the custody judgment or order previously in  
42 effect should be modified.

43 4. This subdivision shall not apply to assignments to permanent duty  
44 stations or permanent changes of station.

45 S 26. Section 651-a of the family court act, as amended by chapter 12  
46 of the laws of 1996, is amended to read as follows:

47 S 651-a. Reports of child abuse and maltreatment; admissibility. In  
48 any proceeding brought pursuant to this section to determine the custody  
49 [or], visitation OR PARENTING TIME of minors, a report made to the  
50 statewide central register of child abuse and maltreatment, pursuant to  
51 title six of article six of the social services law, or a portion there-  
52 of, which is otherwise admissible as a business record pursuant to rule  
53 forty-five hundred eighteen of the civil practice law and rules shall  
54 not be admissible in evidence, notwithstanding such rule, unless an  
55 investigation of such report conducted pursuant to title six of article  
56 six of the social services law has determined that there is some credi-

1 ble evidence of the alleged abuse or maltreatment, that the subject of  
2 the report has been notified that the report is indicated. In addition,  
3 if such report has been reviewed by the [state] commissioner of [social]  
4 THE OFFICE OF CHILDREN AND FAMILY services or his designee and has been  
5 determined to be unfounded, it shall not be admissible in evidence. If  
6 such report has been so reviewed and has been amended to delete any  
7 finding, each such deleted finding shall not be admissible. If the  
8 [state] commissioner of [social] THE OFFICE OF CHILDREN AND FAMILY  
9 services or his designee has amended the report to add any new finding,  
10 each such new finding, together with any portion of the original report  
11 not deleted by [the] SUCH commissioner or his designee, shall be admis-  
12 sible if it meets the other requirements of this section and is other-  
13 wise admissible as a business record. If such a report, or portion ther-  
14 eof, is admissible in evidence but is uncorroborated, it shall not be  
15 sufficient to make a fact finding of abuse or maltreatment in such  
16 proceeding. Any other evidence tending to support the reliability of  
17 such report shall be sufficient corroboration.

18 S 27. Subdivisions (a) and (b) of section 652 of the family court act,  
19 as amended by chapter 40 of the laws of 1981, are amended to read as  
20 follows:

21 (a) When referred from the supreme court to the family court, the  
22 family court has jurisdiction to determine, with the same powers  
23 possessed by the supreme court, applications to fix temporary or perma-  
24 nent custody and applications to modify judgments and orders of custody  
25 or [visitation] PARENTING TIME in actions and proceedings for marital  
26 separation, divorce, annulment of marriage and dissolution of marriage.  
27 Applications to modify judgments and orders of custody may be granted by  
28 the family court under this section only upon the showing to the family  
29 court that there has been a subsequent change of circumstances and that  
30 modification is required.

31 (b) In the event no such referral has been made and unless the supreme  
32 court provides in the order or judgment awarding custody or [visitation]  
33 PARENTING TIME in an action for divorce, separation or annulment, that  
34 it may be enforced or modified only in the supreme court, the family  
35 court may: (i) determine an application to enforce the order or judgment  
36 awarding custody or [visitation] PARENTING TIME, or (ii) determine an  
37 application to modify the order or judgment awarding custody or [visita-  
38 tion] PARENTING TIME upon a showing that there has been a subsequent  
39 change of circumstances and modification is required.

40 S 28. Subdivision (b) of section 656 of the family court act, as  
41 amended by chapter 526 of the laws of 2013, is amended to read as  
42 follows:

43 (b) to permit a parent PARENTING TIME, or a person entitled to visita-  
44 tion by a court order or a separation agreement, to [visit] BE WITH the  
45 child at stated periods;

46 S 29. Subdivision (b) of section 759 of the family court act, as  
47 amended by chapter 483 of the laws of 1995, is amended to read as  
48 follows:

49 (b) to permit a parent PARENTING TIME, or a person entitled to visita-  
50 tion by a court order or a separation agreement, to [visit] BE WITH the  
51 child at stated periods;

52 S 30. Subdivision (b) of section 842 of the family court act, as  
53 amended by chapter 526 of the laws of 2013, is amended to read as  
54 follows:



1 (b) to permit a parent PARENTING TIME, or a person entitled to visita-  
2 tion by a court order or a separation agreement, to [visit] BE WITH the  
3 child at stated periods;

4 S 31. Section 119 of the family court act is amended by adding two new  
5 subdivisions (d) and (e) to read as follows:

6 (D) "VISITATION" REFERS TO TIME PERMITTED TO BE SPENT WITH A CHILD  
7 PURSUANT TO A COURT ORDER UNDER THIS CHAPTER, THE FAMILY COURT ACT OR AN  
8 ORDER ENFORCED UNDER ARTICLE FIVE-A OF THIS CHAPTER, BY A PERSON WHO IS  
9 NOT A PARENT OF THE CHILD. THIS SHALL INCLUDE GRANDPARENTS, SIBLINGS AND  
10 STEP-PARENTS.

11 (E) "PARENTING TIME" REFERS TO THE PERIOD OF TIME THAT A PARENT MAY  
12 SPEND WITH HIS OR HER CHILD PURSUANT TO A COURT ORDER UNDER THIS CHAP-  
13 TER, THE FAMILY COURT ACT OR AN ORDER ENFORCED UNDER ARTICLE FIVE-A OF  
14 THIS CHAPTER.

15 S 32. This act shall take effect immediately, provided that:

16 (a) if chapter 567 of the laws of 2015 shall not have taken effect on  
17 or before such date then section seven of this act shall take effect on  
18 the same date and in the same manner as such chapter of the laws of  
19 2015, takes effect; and

20 (b) the amendments to subdivision (a) of section 439 of the family  
21 court act made by section sixteen of this act shall be subject to the  
22 expiration and reversion of such subdivision pursuant to section 246 of  
23 chapter 81 of the laws of 1995, as amended, when upon such date the  
24 provisions of section seventeen of this act shall take effect.