

2760--A

2015-2016 Regular Sessions

I N S E N A T E

January 29, 2015

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.

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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]

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

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

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

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

S 651. Jurisdiction over habeas corpus proceedings and petitions for custody [and], visitation AND PARENTING TIME of minors. (a) When referred from the supreme court or county court to the family court, the family court has jurisdiction to determine, in accordance with subdivision one of section two hundred forty of the domestic relations law and with the same powers possessed by the supreme court in addition to its own powers, habeas corpus proceedings and proceedings brought by petition and order to show cause, for the determination of the custody [or], visitation AND PARENTING TIME of minors.

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

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

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

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

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.