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

S. 2118 A. 3029

2015-2016 Regular Sessions

S E N A T E - A S S E M B L Y

January 21, 2015

IN SENATE -- Introduced by Sens. KENNEDY, BRESLIN, DILAN, ESPAILLAT, LATIMER -- read twice and ordered printed, and when printed to be committed to the Committee on Children and Families

IN ASSEMBLY -- Introduced by M. of A. PEOPLES-STOKES -- read once and referred to the Committee on Children and Families

AN ACT to amend the family court act and the social services law, in relation to the infliction of excessive corporal punishment on a child

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

Section 1. Paragraph (iii) of subdivision (e) of section 1012 of the family court act, as amended by chapter 320 of the laws of 2006, is amended and a new paragraph (iv) is added to read as follows:

(iii) commits, or allows to be committed an offense against such child defined in article one hundred thirty of the penal law; allows, permits or encourages such child to engage in any act described in sections 230.25, 230.30 and 230.32 of the penal law; commits any of the acts described in sections 255.25, 255.26 and 255.27 of the penal law; or allows such child to engage in acts or conduct described in article two hundred sixty-three of the penal law provided, however, that (a) the corroboration requirements contained in the penal law and (b) the age requirement for the application of article two hundred sixty-three of such law shall not apply to proceedings under this article[.], OR

(IV) INFLICTS OR ALLOWS TO BE INFLICTED EXCESSIVE CORPORAL PUNISHMENT UPON SUCH CHILD.

S 2. Subparagraph (B) of paragraph (i) of subdivision (f) of section 1012 of the family court act, as amended by chapter 984 of the laws of 1981, is amended to read as follows:

(B) in providing the child with proper supervision or guardianship, by unreasonably inflicting or allowing to be inflicted harm, or a substantial risk thereof[, including the infliction of excessive corporal

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

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punishment]; or by misusing a drug or drugs; or by misusing alcoholic beverages to the extent that he loses self-control of his actions; or by any other acts of a similarly serious nature requiring the aid of the court; provided, however, that where the respondent is voluntarily and regularly participating in a rehabilitative program, evidence that the respondent has repeatedly misused a drug or drugs or alcoholic beverages to the extent that he loses self-control of his actions shall not establish that the child is a neglected child in the absence of evidence establishing that the child's physical, mental or emotional condition has been impaired or is in imminent danger of becoming impaired as set forth in paragraph (i) of this subdivision; or

S 3. Subparagraph (B) of paragraph (i) of subdivision 4-a of section 371 of the social services law, as amended by chapter 984 of the laws of 1981, is amended to read as follows:

(B) in providing the child with proper supervision or guardianship, by unreasonably inflicting or allowing to be inflicted harm, or a substantial risk thereof[, including the infliction of excessive corporal punishment]; or by misusing a drug or drugs; or by misusing alcoholic beverages to the extent that he loses self-control of his actions; or by any other acts of a similarly serious nature requiring the aid of the court; provided, however, that where the respondent is voluntarily and regularly participating in a rehabilitative program, evidence that the respondent has repeatedly misused a drug or drugs or alcoholic beverages to the extent that he loses self-control of his actions shall not establish that the child is a neglected child in the absence of evidence establishing that the child's physical, mental or emotional condition has been impaired or is in imminent danger of becoming impaired as set forth in paragraph (i) of this subdivision; or

S 4. Paragraph (iii) of subdivision 4-b of section 371 of the social services law, as added by chapter 782 of the laws of 1971, is amended and a new paragraph (iv) is added to read as follows:

(iii) commits, or allows to be committed, an act of sexual abuse against such child as defined in the penal law[.], OR

(IV) INFLICTS OR ALLOWS TO BE INFLICTED EXCESSIVE CORPORAL PUNISHMENT UPON SUCH CHILD.

S 5. This act shall take effect immediately.