

4050--A

2015-2016 Regular Sessions

I N   A S S E M B L Y

January 29, 2015

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Introduced by M. of A. TITUS -- read once and referred to the Committee on Children and Families -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the family court act, in relation to mandating the scheduling and holding of expiration of order hearings or conferences in certain cities

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

1     Section 1. Subdivision (c) of section 1039 of the family court act, as  
2 amended by chapter 41 of the laws of 2010, is amended to read as  
3 follows:  
4     (c) Such order may include terms and conditions agreeable to the  
5 parties and to the court, provided that such terms and conditions shall  
6 include a requirement that the child and the respondent be under the  
7 supervision of a child protective agency during the adjournment period.  
8 In any order issued pursuant to this section, such agency shall be  
9 directed to make a progress report to the court, the parties and the  
10 child's attorney on the implementation of such order, no later than  
11 ninety days after the issuance of such order, unless the court deter-  
12 mines that the facts and circumstances of the case do not require such  
13 reports to be made. The child protective agency shall make further  
14 reports to the court, the parties and the child's attorney in such  
15 manner and at such times as the court may direct. IN CITIES WITH A  
16 POPULATION OF ONE MILLION OR MORE, THE COURT SHALL SET A DATE CERTAIN  
17 FOR AN EXPIRATION OF ORDER HEARING OR CONFERENCE, FOR THE PURPOSE OF  
18 HAVING THE CHILD PROTECTIVE AGENCY REPORT TO THE COURT AND THE PARTIES,  
19 INCLUDING ANY NON-RESPONDENT PARENT AND THE CHILD'S ATTORNEY, ON THE  
20 STATUS AND CIRCUMSTANCES OF THE CHILD AND FAMILY AND ON ANY ACTIONS  
21 TAKEN OR CONTEMPLATED BY SUCH AGENCY WITH RESPECT TO SUCH CHILD AND  
22 FAMILY. THE HEARING OR CONFERENCE SHALL BE COMMENCED NO LATER THAN  
23 THIRTY DAYS BEFORE THE EXPIRATION OF THE SUPERVISION ORDER, AND THE

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

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1 COURT SHALL SPECIFY THE HEARING OR CONFERENCE DATE IN THE DISPOSITIONAL  
2 ORDER.

3 S 2. Section 1053 of the family court act is amended by adding a new  
4 subdivision (d) to read as follows:

5 (D) IN CITIES WITH A POPULATION OF ONE MILLION OR MORE, WHERE THE  
6 DISPOSITION OF A DISPOSITIONAL HEARING IS A SUSPENDED JUDGMENT, AND THE  
7 CHILD IS RELEASED TO THE CUSTODY OF HIS OR HER PARENT OR OTHER PERSON  
8 LEGALLY RESPONSIBLE FOR HIS OR HER CARE AT THE TIME OF THE FILING OF THE  
9 PETITION WITH SUPERVISION, THE COURT SHALL SET A DATE CERTAIN FOR AN  
10 EXPIRATION OF ORDER HEARING OR CONFERENCE, FOR THE PURPOSE OF HAVING THE  
11 CHILD PROTECTIVE AGENCY REPORT TO THE COURT AND THE PARTIES, INCLUDING  
12 ANY NON-RESPONDENT PARENT AND THE CHILD'S ATTORNEY, ON THE STATUS AND  
13 CIRCUMSTANCES OF THE CHILD AND FAMILY AND ON ANY ACTIONS TAKEN OR  
14 CONTEMPLATED BY SUCH AGENCY WITH RESPECT TO SUCH CHILD AND FAMILY. THE  
15 HEARING OR CONFERENCE SHALL BE COMMENCED NO LATER THAN THIRTY DAYS  
16 BEFORE THE EXPIRATION OF THE SUPERVISION ORDER, AND THE COURT SHALL  
17 SPECIFY THE HEARING OR CONFERENCE DATE IN THE DISPOSITIONAL ORDER.

18 S 3. Subdivision (a) of section 1054 of the family court act, as  
19 amended by chapter 41 of the laws of 2010, is amended to read as  
20 follows:

21 (a) If the order of disposition releases the child to the custody of  
22 his or her parent or other person legally responsible for his or her  
23 care at the time of the filing of the petition, the court may place the  
24 person to whose custody the child is released under supervision of a  
25 child protective agency or of a social services official or duly author-  
26 ized agency, or may enter an order of protection under section one thou-  
27 sand fifty-six OF THIS PART, or both. An order of supervision entered  
28 under this section shall set forth the terms and conditions of such  
29 supervision that the respondent must meet and the actions that the child  
30 protective agency, social services official or duly authorized agency  
31 must take to exercise such supervision. Except as provided for herein,  
32 in any order issued pursuant to this section, the court may require the  
33 child protective agency to make progress reports to the court, the  
34 parties, and the child's attorney on the implementation of such order.  
35 Where the order of disposition is issued upon the consent of the parties  
36 and the child's attorney, such agency shall report to the court, the  
37 parties and the child's attorney no later than ninety days after the  
38 issuance of the order, unless the court determines that the facts and  
39 circumstances of the case do not require such report to be made. IN  
40 CITIES WITH A POPULATION OF ONE MILLION OR MORE, AT THE CONCLUSION OF A  
41 DISPOSITIONAL HEARING AT WHICH THE CHILD IS RELEASED TO THE CUSTODY OF  
42 HIS OR HER PARENT OR OTHER PERSON LEGALLY RESPONSIBLE FOR HIS OR HER  
43 CARE AT THE TIME OF THE FILING OF THE PETITION WITH SUPERVISION, THE  
44 COURT SHALL SET A DATE CERTAIN FOR AN EXPIRATION OF ORDER HEARING OR  
45 CONFERENCE, FOR THE PURPOSE OF HAVING THE CHILD PROTECTIVE AGENCY REPORT  
46 TO THE COURT AND THE PARTIES, INCLUDING ANY NON-RESPONDENT PARENT AND  
47 THE CHILD'S ATTORNEY, ON THE STATUS AND CIRCUMSTANCES OF THE CHILD AND  
48 FAMILY AND ON ANY ACTIONS TAKEN OR CONTEMPLATED BY SUCH AGENCY WITH  
49 RESPECT TO SUCH CHILD AND FAMILY. THE HEARING OR CONFERENCE SHALL BE  
50 COMMENCED NO LATER THAN THIRTY DAYS BEFORE THE EXPIRATION OF THE SUPER-  
51 VISION ORDER, AND THE COURT SHALL SPECIFY THE HEARING OR CONFERENCE DATE  
52 IN THE DISPOSITIONAL ORDER.

53 S 4. Section 1058 of the family court act, as amended by chapter 41 of  
54 the laws of 2010, is amended to read as follows:

55 S 1058. Expiration of orders. No later than sixty days prior to the  
56 expiration of an order issued pursuant to paragraph (i), (ii), [(iv),]

1 or (v) of subdivision (a) of section one thousand fifty-two of this part  
2 or [prior to] the conclusion of the period of an adjournment in contem-  
3 plation of dismissal pursuant to section one thousand thirty-nine of  
4 this article, where no application has been made seeking extension of  
5 such orders or adjournments and, with respect to an adjournment in  
6 contemplation of dismissal, no violations of the court's order are  
7 before the court, OR FOURTEEN DAYS PRIOR TO AN EXPIRATION OF ORDER HEAR-  
8 ING OR CONFERENCE HELD PURSUANT TO SUBDIVISION (C) OF SECTION ONE THOU-  
9 SAND THIRTY-NINE, SUBDIVISION (D) OF SECTION ONE THOUSAND FIFTY-THREE,  
10 OR SUBDIVISION (A) OF SECTION ONE THOUSAND FIFTY-FOUR OF THIS PART WHERE  
11 ONE HAS BEEN ORDERED, the child protective agency shall, whether or not  
12 the child has been or will be returned to the family, SUBMIT AN EXPIRA-  
13 TION OF ORDER report to the court[,] AND the parties, including any  
14 non-respondent parent and the child's attorney on the status and circum-  
15 stances of the child and family and any actions taken or contemplated by  
16 such agency with respect to such child and family. WHERE AN EXPIRATION  
17 OF ORDER HEARING OR CONFERENCE HAS BEEN SCHEDULED, THE COURT SHALL  
18 REVIEW THE EXPIRATION OF ORDER REPORT AT THE HEARING OR CONFERENCE. AT  
19 THE HEARING OR CONFERENCE, THE CHILD PROTECTIVE AGENCY SHALL REPORT TO  
20 THE COURT AND THE PARTIES, INCLUDING ANY NON-RESPONDENT PARENT AND THE  
21 CHILD'S ATTORNEY, ON THE STATUS AND CIRCUMSTANCES OF THE CHILD AND FAMI-  
22 LY AND ANY ACTIONS TAKEN OR CONTEMPLATED BY SUCH AGENCY WITH RESPECT TO  
23 SUCH CHILD AND FAMILY. THE HEARING OR CONFERENCE SHALL BE COMMENCED NO  
24 LATER THAN THIRTY DAYS BEFORE THE EXPIRATION OF THE SUPERVISION ORDER.  
25 S 5. This act shall take effect immediately.