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I N S E N A T E

January 13, 2016

Introduced by Sen. SANDERS -- read twice and ordered printed, and when printed to be committed to the Committee on Children and Families

AN ACT to amend the family court act, in relation to service of summonses upon parents in juvenile delinquency cases

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

1 Section 1. Section 312.1 of the family court act is amended by adding
2 a new subdivision 4 to read as follows:
3 4. UPON THE FILING OF A PETITION UNDER THIS ARTICLE, THE COURT SHALL
4 ISSUE A SUMMONS TO EACH PARENT OF THE RESPONDENT, INCLUDING A NON-CUSTO-
5 DIAL PARENT, APART FROM THE PARENT OR PERSON LEGALLY RESPONSIBLE NAMED
6 IN SUBDIVISION ONE OF THIS SECTION, PROVIDED THAT THE ADDRESS OF SUCH
7 NOTICED PARENT HAS BEEN PROVIDED BY THE OFFICE OF PROBATION AND CORREC-
8 TIONAL ALTERNATIVES OR PRESENTMENT AGENCY. THE OFFICE OF PROBATION AND
9 CORRECTIONAL ALTERNATIVES AND PRESENTMENT AGENCY SHALL ASK THE CUSTODIAL
10 PARENT OR PERSON LEGALLY RESPONSIBLE FOR INFORMATION REGARDING ANY OTHER
11 PARENT OR PARENTS OF THE RESPONDENT. THE SUMMONS SHALL PROVIDE NOTICE TO
12 THE PARENT OR PARENTS OF THE RIGHT TO APPEAR AND PARTICIPATE IN THE
13 PROCEEDING AND TO SEEK TEMPORARY RELEASE OR, UPON DISPOSITION, DIRECT
14 PLACEMENT, OF THE RESPONDENT. THE PRESENTMENT AGENCY SHALL PERSONALLY
15 SERVE THE SUMMONS AND PETITION AT LEAST TWENTY-FOUR HOURS BEFORE THE
16 TIME STATED IN SUCH SUMMONS AND PETITION FOR APPEARANCE, OR MAY SERVE
17 THE SUMMONS AND PETITION BY MAIL AT LEAST FIVE DAYS BEFORE SUCH DATE.
18 THE FAILURE OF SUCH NOTICED PARENT TO APPEAR SHALL NOT BE CAUSE FOR
19 DELAY OF THE RESPONDENT'S INITIAL APPEARANCE, AS DEFINED BY SECTION
20 320.1 OF THIS ARTICLE.
21 S 2. This act shall take effect on the ninetieth day after it shall
22 have become a law, and shall apply to any juvenile who is the subject of
23 a juvenile delinquency petition filed on or after such effective date.

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

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