

STATE OF NEW YORK

11368

IN ASSEMBLY

October 19, 2018

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Fernandez)
-- read once and referred to the Committee on Judiciary

AN ACT to amend the family court act, in relation to the extension of an order of protection for aggravating circumstances

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The opening paragraph of section 842 of the family court
2 act, as amended by chapter 526 of the laws of 2013, is amended to read
3 as follows:

4 An order of protection under section eight hundred forty-one of this
5 part shall set forth reasonable conditions of behavior to be observed
6 for a period not in excess of two years by the petitioner or respondent
7 or for a period not in excess of five years upon (i) a finding by the
8 court on the record of the existence of aggravating circumstances as
9 defined in paragraph (vii) of subdivision (a) of section eight hundred
10 twenty-seven of this article; or (ii) a finding by the court on the
11 record that the conduct alleged in the petition is in violation of a
12 valid order of protection. Any finding of aggravating circumstances
13 pursuant to this section shall be stated on the record and upon the
14 order of protection. ~~[The court may also, upon motion, extend the order~~
15 ~~of protection for a reasonable period of time upon a showing of good~~
16 ~~cause or consent of the parties]~~ The court shall also, upon request,
17 extend the order of protection for aggravating circumstances, as defined
18 in paragraph (vii) of subdivision (a) of section eight hundred twenty-
19 seven of this article, to a lifetime order of protection. The fact that
20 abuse has not occurred during the pendency of an order shall not, in
21 itself, constitute sufficient ground for denying or failing to extend
22 the order. The court must articulate a basis for its decision on the
23 record. The duration of any temporary order shall not by itself be a
24 factor in determining the length or issuance of any final order. Any
25 order of protection issued pursuant to this section shall specify if an
26 order of probation is in effect. Any order of protection issued pursuant
27 to this section may require the petitioner or the respondent:

28 § 2. This act shall take effect immediately.

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

LBD16540-01-8