

STATE OF NEW YORK

5114

2017-2018 Regular Sessions

IN ASSEMBLY

February 6, 2017

Introduced by M. of A. TITUS -- read once and referred to the Committee on Children and Families

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 § 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 § 3. Subdivision (a) of section 1054 of the family court act, as
19 amended by chapter 567 of the laws of 2015, is amended to read as
20 follows:

21 (a) An order of disposition may release the child for a designated
22 period of up to one year to a non-respondent parent or parents or a
23 person or persons who had been the child's legal custodian or guardian
24 at the time of the filing of the petition, and who is not or are not
25 respondents in the proceeding under this article. An order under this
26 section may be extended upon a hearing for a period of up to one year
27 for good cause. In cities with a population of one million or more, at
28 the conclusion of a dispositional hearing at which the child is released
29 to the custody of a non-respondent parent or parents or a person or
30 persons who had been the child's legal custodian or guardian at the time
31 of the filing of the petition with supervision, the court shall set a
32 date certain for an expiration of order hearing or conference, for the
33 purpose of having the child protective agency report to the court and
34 the parties, including any non-respondent parent and the child's attor-
35 ney, on the status and circumstances of the child and family and on any
36 actions taken or contemplated by such agency with respect to such child
37 and family. The hearing or conference shall be commenced no later than
38 thirty days before the expiration of the supervision order, and the
39 court shall specify the hearing or conference date in the dispositional
40 order.

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

43 § 1058. Expiration of orders. No later than sixty days prior to the
44 expiration of an order issued pursuant to paragraph (i), (ii), [~~(iv)~~],
45 or (v) of subdivision (a) of section one thousand fifty-two of this part
46 or [~~prior to~~] the conclusion of the period of an adjournment in contem-
47 plation of dismissal pursuant to section one thousand thirty-nine of
48 this article, where no application has been made seeking extension of
49 such orders or adjournments and, with respect to an adjournment in
50 contemplation of dismissal, no violations of the court's order are
51 before the court, or fourteen days prior to an expiration of order hear-
52 ing or conference held pursuant to subdivision (c) of section one thou-
53 sand thirty-nine, subdivision (d) of section one thousand fifty-three,
54 or subdivision (a) of section one thousand fifty-four of this part where
55 one has been ordered, the child protective agency shall, whether or not
56 the child has been or will be returned to the family, submit an expira-

tion of order report to the court[7] and the parties, including any non-respondent parent and the child's attorney on the status and circumstances of the child and family and any actions taken or contemplated by such agency with respect to such child and family. Where an expiration of order hearing or conference has been scheduled, the court shall review the expiration of order report at the hearing or conference. At the hearing or conference, the child protective agency shall report to the court and the parties, including any non-respondent parent and the child's attorney, on the status and circumstances of the child and family and any actions taken or contemplated by such agency with respect to such child and family. The hearing or conference shall be commenced no later than thirty days before the expiration of the supervision order.

§ 5. This act shall take effect immediately.