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:

Section 1. Subdivision (c) of section 1039 of the family court act, as amended by chapter 41 of the laws of 2010, is amended to read as follows:

(c) Such order may include terms and conditions agreeable to the parties and to the court, provided that such terms and conditions shall include a requirement that the child and the respondent be under the supervision of a child protective agency during the adjournment period. In any order issued pursuant to this section, such agency shall be directed to make a progress report to the court, the parties and the child's attorney on the implementation of such order, no later than ninety days after the issuance of such order, unless the court determines that the facts and circumstances of the case do not require such reports to be made. The child protective agency shall make further reports to the court, the parties and the child's attorney in such manner and at such times as the court may direct. **In cities with a population of one million or more, the court shall set a date certain for an expiration of order hearing or conference, for the purpose of having the child protective agency 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 on 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, and the**

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

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court shall specify the hearing or conference date in the dispositional order.

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

(d) In cities with a population of one million or more, where the disposition of a dispositional hearing is a suspended judgment, and the child is released to the custody of his or her parent or other person legally responsible for his or her care at the time of the filing of the petition with supervision, the court shall set a date certain for an expiration of order hearing or conference, for the purpose of having the child protective agency 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 on 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, and the court shall specify the hearing or conference date in the dispositional order.

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

(a) An order of disposition may release the child for a designated period of up to one year to a non-respondent parent or parents or a person or persons who had been the child's legal custodian or guardian at the time of the filing of the petition, and who is not or are not respondents in the proceeding under this article. An order under this section may be extended upon a hearing for a period of up to one year for good cause. In cities with a population of one million or more, at the conclusion of a dispositional hearing at which the child is released to the custody of a non-respondent parent or parents or a person or persons who had been the child's legal custodian or guardian at the time of the filing of the petition with supervision, the court shall set a date certain for an expiration of order hearing or conference, for the purpose of having the child protective agency 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 on 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, and the court shall specify the hearing or conference date in the dispositional order.

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

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

tion of order 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. 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.