STATE OF NEW YORK

8020

2017-2018 Regular Sessions

IN ASSEMBLY

May 25, 2017

Introduced by M. of A. JOYNER, DAVILA -- read once and referred to the Committee on Judiciary

AN ACT to amend the family court act and the social services law, in relation to orders committing guardianship and custody of a child

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

Section 1. Section 634 of the family court act, as amended by chapter 666 of the laws of 1976, is amended to read as follows:

§ 634. Commitment of guardianship and custody; further orders. The court may enter an order under section six hundred thirty-one committing the guardianship and custody of the child to the petitioner on such conditions, if any, as it deems proper**, including but not limited to, an order of post-termination visitation and/or contact pursuant to section three hundred eighty-four-b of the social services law**.

§ 2. Section 384-b of the social services law is amended by adding four new subdivisions 14, 15, 16 and 17 to read as follows:

14. Upon application of any party to a proceeding under this section, an order committing the guardianship and custody of a child pursuant to this section may include the granting of visitation and/or contact to the parent, custodian, and/or sibling who is a party to the proceeding, provided such visitation and/or contact with the child is found by the court to be in the best interest of the child. The court shall have discretion, depending on the best interest of the child, to determine the level of supervision of any visitation and/or contact.

15. Parents and subject children who are parties to the termination proceeding under article six of the family court act and this section, as well as the subject child's foster parents, shall have notice of and standing to participate in the best interest post-termination visitation and/or contact hearing.

16. All parties to a post-termination visitation and/or contact order pursuant to subdivision fourteen of this section, as well as any person

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

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who subsequently becomes the child's legal guardian, custodian or adoptive parent, may move the court to enforce or modify the order. Any modification shall be based on a showing of good cause and the best interests of the child.

17. Nothing in subdivisions fourteen, fifteen or sixteen of this section shall be construed to limit the rights of siblings to seek contact pursuant to subdivision nine of this section or section seventy-one of the domestic relations law following a termination of parental rights or adoption.

§ 3. This act shall take effect on the thirtieth day after it shall have become a law.