STATE OF NEW YORK

7886--A

Cal. No. 693

IN SENATE

March 6, 2018

Introduced by Sens. AVELLA, KENNEDY -- (at request of the Office of Court Administration) -- read twice and ordered printed, and when printed to be committed to the Committee on Children and Families -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the family court act, in relation to the duration of orders of protection in child abuse and neglect proceedings and in permanency planning hearings in family court

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

Section 1. The opening paragraph of subdivision 1 of section 1056 of the family court act, as amended by chapter 526 of the laws of 2013, is amended to read as follows:

The court may [~~make~~] issue an order of protection in assistance or as a condition of any other order made under this part. Such order of protection [~~shall~~] issued under this section may remain in effect [~~concurrently with, shall expire no later than the expiration date of, and~~] for a period of up to two years or, if the court finds special circumstances, for a period of up to five years. For purposes of this section, "special circumstances" shall mean physical injury or serious physical injury caused by the respondent to the protected person or persons or any minor child, the use of a dangerous instrument by the respondent against the protected person or persons or any minor child, a history of violations of orders of protection by the respondent, prior convictions for crimes against the protected person or persons or a minor child by the respondent or the commission by the respondent of acts constituting a felony sex offense as defined in subdivision (e) of section one thousand twelve of this article and like incidents, behaviors and occurrences which to the court constitute an immediate and ongoing danger to the protected person or persons or a minor child or any family or household member. The order of protection may be extended independently or concurrently with[~~, such other~~] another order [~~made~~] issued under this [~~part~~] article or article ten-A of this act, except as

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

LBD14581-02-8

provided in subdivision four of this section. The order of protection may set forth reasonable conditions of behavior **for the purposes of protection** to be observed for a specified time by a person who is before the court and is a parent or a person legally responsible for the child's care or the spouse of the parent or other person legally responsible for the child's care, or both. Such an order may require any such person**:**

§ 2. Clause (D) of subparagraph (viii) of paragraph 2 of subdivision (d) of section 1089 of the family court act, as added by section 27 of part A of chapter 3 of the laws of 2005, is amended to read as follows:

(D) The court may [**~~make~~**] **issue** an order of protection in the manner specified by section one thousand fifty-six of this act in assistance or as a condition of any other order [**~~made~~**] **issued** under this section. The order of protection may set forth reasonable conditions of behavior to be observed for a specified period of time by a person before the court. **The order of protection issued under this section may remain in effect for a period of up to two years or, if the court finds special circumstances as defined in subdivision one of section one thousand fifty-six, for a period of up to five years.**

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