STATE OF NEW YORK

4836

2017-2018 Regular Sessions

IN SENATE

March 2, 2017

Introduced by Sen. AVELLA -- (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

AN ACT to amend the family court act, in relation to provision of services and assistance to respondent parents during the pendency of child protective proceedings in family court

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

Section 1. Subdivision (d) of section 1027 of the family court act, as amended by chapter 567 of the laws of 2015, is amended to read as follows:

(d) Upon such hearing, the court may, for good cause shown, release the child to his or her **non-respondent** parent or [~~other person legally responsible for his or her care~~] **non-respondent legal custodian or may temporarily place the child with a relative or suitable person**, pending a final order of disposition **or termination of the proceeding, whichever is earlier**, in accord with subparagraph (ii) of paragraph (a) of subdivision two **and subdivision three** of section one thousand seventeen of this article. **Alternatively, upon such hearing, if the court determines that the child should be returned or released to a respondent parent or respondent person legally responsible pending a final order of disposition or termination of the proceeding, whichever is earlier, the court may also direct the child protective agency to provide or arrange for the provision of appropriate services or assistance to the respondent pursuant to section one thousand fifteen-a of this article and may monitor the respondent's compliance with such services and assistance.**

§ 2. Section 1028 of the family court act is amended by adding a new subdivision (g) to read as follows:

(g) If the court determines that the child should be returned to the respondent parent or respondent person legally responsible pending a final order of disposition or termination of the proceeding, whichever

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

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is earlier, the court may direct the child protective agency to provide or arrange for the provision of appropriate services or assistance to the respondent pursuant to section one thousand fifteen-a of this article and may monitor the respondent's compliance with such services and assistance.

§ 3. This act shall take effect immediately.