

STATE OF NEW YORK

7886

IN SENATE

March 6, 2018

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 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:

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

4 The court may [~~make~~] issue an order of protection in assistance or as
5 a condition of any other order made under this part. Such order of
6 protection [~~shall~~] issued under this section may remain in effect
7 [~~concurrently with, shall expire no later than the expiration date of,~~
8 ~~and~~] for a period of up to two years or, if the court finds aggravating
9 circumstances as defined in paragraph (vii) of subdivision (a) of
10 section eight hundred twenty-seven of this act or if the court finds
11 that the respondent has violated an order of protection, for a period of
12 up to five years. Such order of protection may be extended concurrently
13 with [~~-, such other~~] another order [~~made~~] issued under this [~~part~~] article
14 or article ten-A of this act, except as provided in subdivision four of
15 this section. The order of protection may set forth reasonable condi-
16 tions of behavior for the purposes of protection to be observed for a
17 specified time by a person who is before the court and is a parent or a
18 person legally responsible for the child's care or the spouse of the
19 parent or other person legally responsible for the child's care, or
20 both. Such an order may require any such person.

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

24 (D) The court may [~~make~~] issue an order of protection in the manner
25 specified by section one thousand fifty-six of this act in assistance or
26 as a condition of any other order [~~made~~] issued under this section. The

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

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1 order of protection may set forth reasonable conditions of behavior to
2 be observed for a specified period of time by a person before the court.
3 The order of protection issued under this section may remain in effect
4 for a period of up to two years or, if the court finds aggravating
5 circumstances as defined in paragraph (vii) of subdivision (a) of
6 section eight hundred twenty-seven of this act or if the court finds
7 that the respondent has violated an order of protection, for a period of
8 up to five years.
9 § 3. This act shall take effect on the ninetieth day after it shall
10 have become a law.