STATE OF NEW YORK

7939

2019-2020 Regular Sessions

IN ASSEMBLY

May 29, 2019

Introduced by M. of A. JAFFEE -- (at request of the Office of Court Administration) -- read once and referred to the Committee on Children and Families

AN ACT to amend the family court act, in relation to adjustment of juvenile delinquency cases by local departments of probation in the family court

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

Section 1. Subdivisions 8 and 9 of section 308.1 of the family court act, subdivision 8 as amended by chapter 398 of the laws of 1983 and subdivision 9 as added by chapter 920 of the laws of 1982, are amended to read as follows:

8. The probation service [~~may not prevent any person who wishes to request that a petition be filed from having access to the appropriate presentment agency for that purpose~~] **shall consider the views of the complainant and the impact of the alleged act or acts of juvenile delinquency upon the complainant and upon the community in determining whether adjustment under this section would be suitable**.

9. Efforts at adjustment pursuant to rules of court under this section may not extend for a period of more than [~~two~~] **three** months without leave of the court, which may extend the period for an additional two months.

§ 2. Subdivision 2 of section 320.6 of the family court act, as amended by chapter 926 of the laws of 1982, is amended to read as follows:

2. At the initial appearance **or at any subsequent appearance,** the court may[~~, with the consent of the victim or complainant and the respondent,~~] refer a case to the probation service for adjustment services. **The probation service shall consider the views of the complainant and the impact of the alleged act or acts of juvenile delinquency upon the complainant and upon the community in determining wheth-**

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

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er adjustment under this section would be suitable. In the case of a designated felony petition, the consent of the presentment agency shall [~~also~~] be required to refer a case to the probation [~~services~~] service for adjustment services.

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