

STATE OF NEW YORK

6475

2019-2020 Regular Sessions

IN SENATE

June 12, 2019

Introduced by Sen. BAILEY -- (at request of the Office of Court Administration) -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

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:

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

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

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

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

18 2. At the initial appearance or at any subsequent appearance, the
19 court may[~~, with the consent of the victim or complainant and the~~
20 ~~respondent,~~] refer a case to the probation service for adjustment
21 services. The probation service shall consider the views of the
22 complainant and the impact of the alleged act or acts of juvenile delin-
23 quency 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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1 er adjustment under this section would be suitable. In the case of a
2 designated felony petition, the consent of the presentment agency shall
3 [~~also~~] be required to refer a case to the probation [~~services~~] service
4 for adjustment services.
5 § 3. This act shall take effect on the ninetieth day after it shall
6 have become a law.