

# STATE OF NEW YORK

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1179--A

2021-2022 Regular Sessions

## IN ASSEMBLY

January 7, 2021

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Introduced by M. of A. PAULIN, OTIS, SAYEGH, AUBRY, BUTTENSCHON, DICKENS, ENGLEBRIGHT, STIRPE, WILLIAMS, MONTESANO, MORINELLO, DeSTEFANO, McDONOUGH, B. MILLER, REILLY, GRIFFIN -- Multi-Sponsored by -- M. of A. J. M. GIGLIO -- read once and referred to the Committee on Judiciary -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the family court act, in relation to the removal of children by orders of custody

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

1 Section 1. Paragraph 4 of subdivision (e) of section 651 of the family  
2 court act, as amended by chapter 295 of the laws of 2009, is amended to  
3 read as follows:

4 4. Notifying counsel and issuing orders. Upon consideration of deci-  
5 sions pursuant to article ten of this act, and registry reports and  
6 notifying counsel involved in the proceeding, or in the event of a self-  
7 represented party, notifying such party of the results thereof, includ-  
8 ing any court appointed attorney for children, the court may issue a  
9 temporary, successive temporary or final order of custody or visitation.  
10 Such orders, when relevant, shall state whether law enforcement is  
11 authorized to remove the child or children in order to comply with and  
12 enforce said orders.

13 § 2. Subdivisions (a) and (b) of section 652 of the family court act,  
14 as amended by chapter 40 of the laws of 1981, are amended to read as  
15 follows:

16 (a) When referred from the supreme court to the family court, the  
17 family court has jurisdiction to determine, with the same powers  
18 possessed by the supreme court, applications to fix temporary or perma-  
19 nent custody and applications to modify judgments and orders of custody  
20 or visitation in actions and proceedings for marital separation,  
21 divorce, annulment of marriage and dissolution of marriage. Applications

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

LBD02060-02-1

1 to modify judgments and orders of custody may be granted by the family  
2 court under this section only upon the showing to the family court that  
3 there has been a subsequent change of circumstances and that modifica-  
4 tion is required. Such determinations, including modifications of judg-  
5 ments or orders of custody, when relevant, shall state whether law  
6 enforcement is authorized to remove the child or children in order to  
7 comply with and enforce court judgments or orders.

8 (b) In the event no such referral has been made and unless the supreme  
9 court provides in the order or judgment awarding custody or visitation  
10 in an action for divorce, separation or annulment, that it may be  
11 enforced or modified only in the supreme court, the family court may:

12 (i) determine an application to enforce the order or judgment awarding  
13 custody or visitation, or (ii) determine an application to modify the  
14 order or judgment awarding custody or visitation upon a showing that  
15 there has been a subsequent change of circumstances and modification is  
16 required. Such determinations, including modifications of judgments or  
17 orders of custody, when relevant, shall state whether law enforcement is  
18 authorized to remove the child or children in order to comply with and  
19 enforce court judgments or orders.

20 § 3. This act shall take effect immediately.