STATE OF NEW YORK

5718

2021-2022 Regular Sessions

IN ASSEMBLY

February 24, 2021

Introduced by M. of A. JOYNER -- read once and referred to the Committee on Social Services

AN ACT to amend the social services law, the criminal procedure law and the family court act, in relation to defining members of the same family or household for purposes of family offenses

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

Section 1. Paragraphs (f) and (g) of subdivision 2 of section 459-a of the social services law, as amended by chapter 11 of the laws of 2011, are amended to read as follows:

(f) persons who are not related by consanguinity or affinity and who are or have been in an intimate relationship regardless of whether such persons have lived together at any time. Factors that may be considered in determining whether a relationship is an "intimate relationship" include, but are not limited to: the nature or type of relationship, regardless of whether the relationship is sexual in nature; the frequency of interaction between the persons; and the duration of the relationship. Neither a casual acquaintance nor ordinary fraternization between two individuals in business or social contexts shall be deemed to constitute an "intimate relationship"; [~~or~~]

(g) **persons who: (i) are related to a child in common as described in paragraph (d) of this subdivision or to a person described in paragraph (f) of this subdivision; and (ii) are currently living together in a family-type relationship or formerly lived together in a family-type relationship; or**

(h) any other category of individuals deemed to be a victim of domestic violence as defined by the office of children and family services in regulation.

§ 2. Paragraphs (d) and (e) of subdivision 1 of section 530.11 of the criminal procedure law, paragraph (d) as amended and paragraph (e) as

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

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added by chapter 326 of the laws of 2008, are amended and a new paragraph (f) is added to read as follows:

(d) persons who have a child in common, regardless of whether such persons have been married or have lived together at any time; [~~and~~]

(e) persons who are not related by consanguinity or affinity and who are or have been in an intimate relationship regardless of whether such persons have lived together at any time. Factors the court may consider in determining whether a relationship is an "intimate relationship" include but are not limited to: the nature or type of relationship, regardless of whether the relationship is sexual in nature; the frequency of interaction between the persons; and the duration of the relationship. Neither a casual acquaintance nor ordinary fraternization between two individuals in business or social contexts shall be deemed to constitute an "intimate relationship"[~~.~~]**; and**

(f) persons who: (i) are related to a child in common as described in paragraph (d) of this subdivision or to a person described in paragraph (e) of this subdivision; and (ii) are currently living together in a family-type relationship or formerly lived together in a family-type relationship.

§ 3. Paragraphs (d) and (e) of subdivision 1 of section 812 of the family court act, paragraph (d) as amended and paragraph (e) as added by chapter 326 of the laws of 2008, are amended and a new paragraph (f) is added to read as follows:

(d) persons who have a child in common regardless of whether such persons have been married or have lived together at any time; [~~and~~]

(e) persons who are not related by consanguinity or affinity and who are or have been in an intimate relationship regardless of whether such persons have lived together at any time. Factors the court may consider in determining whether a relationship is an "intimate relationship" include but are not limited to: the nature or type of relationship, regardless of whether the relationship is sexual in nature; the frequency of interaction between the persons; and the duration of the relationship. Neither a casual acquaintance nor ordinary fraternization between two individuals in business or social contexts shall be deemed to constitute an "intimate relationship"[~~.~~]**; and**

(f) persons who: (i) are related to a child in common as described in paragraph (d) of this subdivision or to a person described in paragraph (e) of this subdivision; and (ii) are currently living together in a family-type relationship or formerly lived together in a family-type relationship.

§ 4. This act shall take effect immediately.