STATE OF NEW YORK

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3283

2021-2022 Regular Sessions

IN SENATE

January 28, 2021
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Introduced by Sen. SANDERS -- 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 service of summons-
es upon parents in juvenile delinquency cases

**The People of the State of New York, represented in Senate and Assem-
bly, do enact as follows:**

1   Section 1. Section 312.1 of the family court act is amended by adding
2 a new subdivision 4 to read as follows:
3   **4. Upon the filing of a petition under this article, the court shall**
4 **issue a summons to each parent of the respondent, including a non-custo-**
5 **dial parent, apart from the parent or person legally responsible named**
6 **in subdivision one of this section, provided that the address of such**
7 **noticed parent has been provided by the office of probation and correc-**
8 **tional alternatives or presentment agency. The office of probation and**
9 **correctional alternatives and presentment agency shall ask the custodial**
10 **parent or person legally responsible for information regarding any other**
11 **parent or parents of the respondent. The summons shall provide notice to**
12 **the parent or parents of the right to appear and participate in the**
13 **proceeding and to seek temporary release or, upon disposition, direct**
14 **placement, of the respondent. The presentment agency shall personally**
15 **serve the summons and petition at least twenty-four hours before the**
16 **time stated in such summons and petition for appearance, or may serve**
17 **the summons and petition by mail at least five days before such date.**
18 **The failure of such noticed parent to appear shall not be cause for**
19 **delay of the respondent's initial appearance, as defined by section**
20 **320.1 of this article.**
21   § 2. This act shall take effect on the ninetieth day after it shall
22 have become a law, and shall apply to any juvenile who is the subject of
23 a juvenile delinquency petition filed on or after such effective date.

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

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