

STATE OF NEW YORK

4837

2021-2022 Regular Sessions

IN SENATE

February 16, 2021

Introduced by Sen. BIAGGI -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary

AN ACT to amend the judiciary law, in relation to domestic violence training for judges and court clerks

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

1 Section 1. The judiciary law is amended by adding a new section 39-c
2 to read as follows:

3 § 39-c. Domestic violence training. 1. Each judge or justice in a
4 court that exercises criminal jurisdiction, including town and village
5 justices, each judge of the family court, each justice of the supreme
6 court who regularly handles matrimonial matters, and each court clerk of
7 such courts, shall attend for no less than ten hours every two years, a
8 program or programs approved by the chief administrator of the courts
9 addressing issues relating to domestic violence. Such program or
10 programs shall include, but shall not be limited to:

11 (a) information about the specific needs of victims;

12 (b) the nature, extent, and dynamics of domestic violence, including
13 emotional, financial, physical, technological, and sexual abuse;

14 (c) a review of the coercive tactics abusers use to induce fear in
15 their victims;

16 (d) education on the increased vulnerability of certain populations,
17 based on factors such as race, immigration status, gender identity,
18 income, or any other factor deemed relevant, and culturally responsive
19 approaches to serving victims;

20 (e) a review of relevant domestic violence and child abuse statutes
21 and case law;

22 (f) information regarding the increased risk of escalating violence
23 that occurs during court proceedings or when a victim attempts to leave
24 an abuser and procedures designed to promote the safety of the victim
25 and other household members;

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

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1 (g) knowledge of trauma and its effects on adult and child victims;
2 (h) the lethality and risk of domestic violence;
3 (i) providing methods to increase information sharing and cooperation
4 among court departments in combating domestic abuse;
5 (j) information regarding available community resources and victims'
6 services;

7 (k) legal remedies for protection;
8 (l) the harm courts may cause victims by separating children from
9 their primary attachment figure, failing to prioritize the safety of
10 children and non-offending parents, seeking to award custody to both
11 parents despite the presence of domestic violence or child abuse, or
12 relying on faulty assumptions regarding domestic violence that have been
13 rejected by reputable professional organizations, such as, but not
14 limited to: (i) the assumption that women or children frequently make
15 false allegations of abuse, (ii) the assumption that a parent's efforts
16 to protect a child from abuse by another parent is evidence of unwill-
17 ingness or inability to cooperate with that parent, (iii) the assumption
18 that one parent alienates a child from the other parent due to a patho-
19 logical medical syndrome, and (iv) in cases involving domestic violence
20 or child abuse, the assumption that one parent can and should support a
21 child's relationship with the other parent; and

22 (m) the appropriate experience and qualifications for child custody
23 evaluators and expert witnesses involved in court proceedings in which
24 domestic violence has been alleged.

25 2. Such program or programs shall be developed in coordination with an
26 organization designated by the federal department of health and human
27 services to coordinate statewide improvements within local communities,
28 social service systems and programming regarding the prevention and
29 intervention of domestic violence in New York state and others who are
30 experienced in providing trauma-informed, victim-centered training on
31 domestic violence.

32 3. Attendance at such program or programs shall be counted toward
33 fulfillment of the training and education requirements for justices,
34 judges, and court clerks established by the chief administrator of the
35 courts.

36 § 2. This act shall take effect immediately.