STATE OF NEW YORK

10198

IN ASSEMBLY

May 10, 2024

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Hevesi) -- (at request of the Office of Court Administration) -- read once and referred to the Committee on Children and Families

AN ACT to amend the family court act and the civil rights law, in relation to name changes of children

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

Section 1. Subdivision (c) of section 115 of the family court act, as amended by chapter 605 of the laws of 2011, is amended to read as follows:

(c) The family court has such other jurisdiction as is provided by law, including but not limited to: proceedings concerning adoption and custody of children, as set forth in parts two and three of article six of this act; proceedings concerning the uniform interstate family support act, as set forth in article five-B of this act; proceedings concerning children in foster care and care and custody of children, as set forth in sections three hundred fifty-eight-a and three hundred eighty-four-a of the social services law and article ten-A of this act; proceedings concerning former foster children as set forth in article ten-B of this act; proceedings concerning destitute children, as set forth in article ten-C of this act; proceedings concerning guardianship and custody of children by reason of the death of, or abandonment or surrender by, the parent or parents, as set forth in sections three hundred eighty-three-c, three hundred eighty-four and paragraphs (a) and (b) of subdivision four of section three hundred eighty-four-b of the social services law; proceedings concerning standby guardianship and guardianship of the person as set forth in part four of article six of this act and article seventeen of the surrogate's court procedure act; [~~and~~] proceedings concerning the interstate compact on juveniles as set forth in chapter one hundred fifty-five of the laws of nineteen hundred fifty-five, as amended[~~,~~]**; proceedings concerning** the interstate compact on the placement of children, as set forth in section three hundred seventy-four-a of the social services law[~~, and~~]**; proceedings concerning** the uniform child custody jurisdiction and enforcement act, as set forth

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

LBD14246-01-4

in article five-A of the domestic relations law; and proceedings concerning the change of the name of a child as set forth in section sixty of the civil rights law.

§ 2. Subdivision (b) of section 439 of the family court act, as amended by chapter 576 of the laws of 2005, is amended to read as follows:

(b) In any proceeding to establish paternity which is heard by a support magistrate, the support magistrate shall advise the mother and putative father of the right to be represented by counsel and shall advise the mother and putative father of their right to blood grouping or other genetic marker or DNA tests in accordance with section five hundred thirty-two of this act. The support magistrate shall order that such tests be conducted in accordance with section five hundred thirty-two of this act. The support magistrate shall be empowered to hear and determine all matters related to the proceeding including the making of an order of filiation pursuant to section five hundred forty-two of this act and an application to change the name of the child pursuant to section sixty of the civil rights law, provided, however, that where the respondent denies paternity and paternity is contested on the grounds of equitable estoppel, the support magistrate shall not be empowered to determine the issue of paternity, but shall transfer the proceeding to a judge of the court for a determination of the issue of paternity. Where an order of filiation is issued by a judge in a paternity proceeding and child support is in issue, the judge, or support magistrate upon referral from the judge, shall be authorized to immediately make a temporary or final order of support, as applicable. Whenever an order of filiation is made by a support magistrate, the support magistrate also shall make a final or temporary order of support.

§ 3. Section 60 of the civil rights law, as amended by chapter 695 of the laws of 1962, is amended to read as follows:

§ 60. Petition for change of name. 1. A petition for leave to assume another name may be made by a resident of the state to the county court of the county or the supreme court in the county in which [~~he~~] the petitioner resides, or, if [~~he~~] the petitioner resides in the city of New York, either to the supreme court or to any branch of the civil court of the city of New York, in any county of the city of New York. The petition to change the name of an infant may be made by the infant through [~~his~~] the infant's next friend, or by either of [~~his~~] the infant's parents, or by [~~his~~] the infant's general guardian, or by the guardian of [~~his~~] the infant's person, or by the infant's attorney.

2. An application may be made in family court seeking a name-change of a child under the age of eighteen as part of a pending, related proceeding. Such application may be made by any of the parties to the proceeding or by the attorney for the child. An application for a name change made in family court shall only be granted where it is on consent of all parties.

§ 4. Subdivision 4 of section 62 of the civil rights law, as added by chapter 158 of the laws of 2021, is amended to read as follows:

4. [~~The~~] Except for applications in family court pursuant to section sixty of this article, the court shall not request or require consent from any party other than the petitioner, or in the case of a petitioner who does not have capacity to consent, their legal representative, as a condition of granting the name change or obtaining certified copies of the name change order.

§ 5. This act shall take effect on the first of April next succeeding the date on which it shall have become a law.