

STATE OF NEW YORK

3221

2023-2024 Regular Sessions

IN ASSEMBLY

February 2, 2023

Introduced by M. of A. HUNTER -- read once and referred to the Committee on Judiciary

AN ACT to amend the domestic relations law and the family court act, in relation to the effect of military service on child care

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

1 Section 1. Subparagraph 1 of paragraph (a-2) of subdivision 1 of
2 section 240 of the domestic relations law, as added by chapter 473 of
3 the laws of 2009, is amended to read as follows:

4 (1) During the period of time that a parent is activated, deployed or
5 temporarily assigned to military service, such that the parent's ability
6 to continue as a joint caretaker or the primary caretaker of a minor
7 child is materially affected by such military service, any orders issued
8 pursuant to this section, based on the fact that the parent is acti-
9 vated, deployed or temporarily assigned to military service, which would
10 materially affect or change a previous judgment or order regarding
11 custody of that parent's child or children as such judgment or order
12 existed on the date the parent was activated, deployed, or temporarily
13 assigned to military service, shall be subject to review pursuant to
14 subparagraph three of this paragraph. Any relevant provisions of the
15 Service Member's Civil Relief Act shall apply to all proceedings
16 governed by this section and shall include the review of a suitable
17 child care plan presented by the petitioning parent for the period of
18 such deployment. Such child care plan shall include but not be limited
19 to reasonable notice by deploying parent to other parent of deployment,
20 procedures for parents to make out of court arrangements regarding
21 custody and visitation during deployment, prohibit an order of permanent
22 custody without deployed parent's consent, provide for expedited custody
23 if parents do not agree thereby establishing custody before deployment
24 and provide for a procedure for termination of temporary custody when
25 parents agree.

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

LBD07801-01-3

1 § 2. Paragraph 1 of subdivision (f) of section 651 of the family court
2 act, as added by chapter 473 of the laws of 2009, is amended to read as
3 follows:

4 1. During the period of time that a parent is activated, deployed or
5 temporarily assigned to military service, such that the parent's ability
6 to continue as a joint caretaker or the primary caretaker of a minor
7 child is materially affected by such military service, any orders issued
8 pursuant to this section, based on the fact that the parent is acti-
9 vated, deployed or temporarily assigned to military service, which would
10 materially affect or change a previous judgment or order regarding
11 custody of that parent's child or children as such judgment or order
12 existed on the date the parent was activated, deployed, or temporarily
13 assigned to military service, shall be subject to review pursuant to
14 paragraph three of this subdivision. Any relevant provisions of the
15 Service Member's Civil Relief Act shall apply to all proceedings
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22 custody without deployed parent's consent, provide for expedited custody
23 if parents do not agree thereby establishing custody before deployment
24 and provide for a procedure for termination of temporary custody when
25 parents agree.

26 § 3. This act shall take effect immediately.