STATE OF NEW YORK

487

2023-2024 Regular Sessions

IN ASSEMBLY

January 9, 2023

Introduced by M. of A. PAULIN, OTIS, SAYEGH, AUBRY, BUTTENSCHON, DICKENS, STIRPE, WILLIAMS, MORINELLO, DeSTEFANO, McDONOUGH, MILLER, REILLY -- Multi-Sponsored by -- M. of A. J. M. GIGLIO -- read once and referred to the Committee on Judiciary

AN ACT to amend the family court act, in relation to the removal of children by orders of custody

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

Section 1. Paragraph 4 of subdivision (e) of section 651 of the family court act, as amended by chapter 295 of the laws of 2009, is amended to read as follows:

4. Notifying counsel and issuing orders. Upon consideration of decisions pursuant to article ten of this act, and registry reports and notifying counsel involved in the proceeding, or in the event of a self-represented party, notifying such party of the results thereof, including any court appointed attorney for children, the court may issue a temporary, successive temporary or final order of custody or visitation. **Such orders, when relevant, shall state whether law enforcement is authorized to remove the child or children in order to comply with and enforce said orders.**

§ 2. Subdivisions (a) and (b) of section 652 of the family court act, as amended by chapter 40 of the laws of 1981, are amended to read as follows:

(a) When referred from the supreme court to the family court, the family court has jurisdiction to determine, with the same powers possessed by the supreme court, applications to fix temporary or permanent custody and applications to modify judgments and orders of custody or visitation in actions and proceedings for marital separation, divorce, annulment of marriage and dissolution of marriage. Applications to modify judgments and orders of custody may be granted by the family court under this section only upon the showing to the family court that

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

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there has been a subsequent change of circumstances and that modification is required. **Such determinations, including modifications of judgments or orders of custody, when relevant, shall state whether law enforcement is authorized to remove the child or children in order to comply with and enforce court judgments or orders.**

(b) In the event no such referral has been made and unless the supreme court provides in the order or judgment awarding custody or visitation in an action for divorce, separation or annulment, that it may be enforced or modified only in the supreme court, the family court may: (i) determine an application to enforce the order or judgment awarding custody or visitation, or (ii) determine an application to modify the order or judgment awarding custody or visitation upon a showing that there has been a subsequent change of circumstances and modification is required. **Such determinations, including modifications of judgments or orders of custody, when relevant, shall state whether law enforcement is authorized to remove the child or children in order to comply with and enforce court judgments or orders.**

§ 3. This act shall take effect immediately.