STATE OF NEW YORK

2822

2023-2024 Regular Sessions

IN SENATE

January 24, 2023

Introduced by Sens. PALUMBO, TEDISCO -- read twice and ordered printed, and when printed to be committed to the Committee on Mental Health

AN ACT to amend the mental hygiene law, in relation to proceedings for appointment of a guardian or other caretaker for personal needs or property management

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

Section 1. This act shall be known and may be cited as "Karilyn's law".

§ 2. Paragraph 1 of subdivision (b) of section 81.07 of the mental hygiene law, as amended by chapter 438 of the laws of 2004, is amended to read as follows:

1. set the date on which the order to show cause is heard no more than twenty-eight days from the date of the signing of the order to show cause. The court may for good cause shown set a date less than twenty-eight days from the date of the signing of the order to show cause**; provided that where the order to show cause concerns family visitation rights, the court shall set the date on which the order to show cause is heard and for which a temporary order will be issued no more than ten days from the date of the signing of the order to show cause. Upon such application for visitation, there shall be a rebuttable presumption in favor of visitation. Visitation shall only be denied upon clear and convincing evidence that is not in the best interests of the ward, such determinations shall be on the record or by written decision. It is further within the court's discretion to provide whatever limitations deemed appropriate, including, but not limited to, supervised visitation**. The date of the hearing may be adjourned only for good cause shown;

§ 3. This act shall take effect immediately.

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

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