STATE OF NEW YORK

4372--A

2023-2024 Regular Sessions

IN SENATE

February 7, 2023

Introduced by Sen. FERNANDEZ -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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

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

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

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

(a) information about the specific needs of victims;

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

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

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

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

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

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

(g) knowledge of trauma and its effects on adult and child victims;

(h) the lethality and risk of domestic violence;

(i) providing methods to increase information sharing and cooperation among court departments in combating domestic abuse;

(j) information regarding available community resources and victims' services;

(k) legal remedies for protection;

(l) the harm courts may cause victims by separating children from their primary attachment figure, failing to prioritize the safety of children and non-offending parents, seeking to award custody to both parents despite the presence of domestic violence or child abuse, or relying on faulty assumptions regarding domestic violence that have been rejected by reputable professional organizations, such as, but not limited to: (i) the assumption that women or children frequently make false allegations of abuse, (ii) the assumption that a parent's efforts to protect a child from abuse by another parent is evidence of unwillingness or inability to cooperate with that parent, (iii) the assumption that one parent alienates a child from the other parent due to a pathological medical syndrome, and (iv) in cases involving domestic violence or child abuse, the assumption that one parent can and should support a child's relationship with the other parent; and

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

2. Such program or programs shall be developed and delivered in coordination with an organization designated by the federal department of health and human services to coordinate statewide improvements within local communities, social service systems and programming regarding the prevention and intervention of domestic violence in New York state and the office for the prevention of domestic violence.

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

§ 2. Section 837 of the executive law is amended by adding a new subdivision 24 to read as follows:

24. Require that law enforcement officers shall attend for no less than ten hours every two years, a program or programs developed by the office for the prevention of domestic violence and approved by the division addressing issues relating to domestic violence.

§ 3. This act shall take effect immediately.