STATE OF NEW YORK

8809

IN SENATE

March 14, 2024

Introduced by Sen. PALUMBO -- read twice and ordered printed, and when printed to be committed to the Committee on Children and Families

AN ACT to amend the domestic relations law and the family court act, in relation to orders for child custody

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

Section 1. Subparagraph 4 of paragraph (a-1) of subdivision 1 of section 240 of the domestic relations law, 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 the family court 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**; provided, that a final order of custody or visitation shall be issued within six months following the preliminary conference or initial appearance on the petition**.

§ 2. 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**; provided, that a final order of custody or visitation shall be issued within six months following the preliminary conference or initial appearance on the petition or order to show cause**.

§ 3. Subdivision (a) of section 1089 of the family court act, as added by section 27 of part A of chapter 3 of the laws of 2005, paragraph 1 as amended by chapter 342 of the laws of 2010, paragraph 2 as amended by

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

LBD14342-01-4

chapter 605 of the laws of 2011, paragraph 3 as amended by chapter 437 of the laws of 2006, is amended to read as follows:

(a) Scheduling, commencement and completion of permanency hearings. (1) Children freed for adoption. (i) At the conclusion of the dispositional hearing at which the child was freed for adoption in a proceeding pursuant to section three hundred eighty-three-c, three hundred eighty-four or three hundred eighty-four-b of the social services law, the court shall set a date certain for the initial freed child permanency hearing and advise all parties in court of the date set, except for the respondent or respondents. The permanency hearing shall be commenced no later than thirty days after the hearing at which the child was freed and shall be completed within thirty days, unless the court determines to hold the permanency hearing immediately upon completion of the hearing at which the child was freed, provided adequate notice has been given.

(ii) At the conclusion of the hearing pursuant to section one thousand ninety-one of this act where the court has granted the motion for a former foster care youth who was discharged from foster care due to a failure to consent to continuation of placement to return to the custody of the local commissioner of social services or other officer, board or department authorized to receive children as public charges, the court shall set a date certain for a permanency hearing and advise all parties in court of the date set. The permanency hearing shall be commenced no later than thirty days after the hearing at which the former foster care youth was returned to foster care.

(iii) A final order of custody in a permanency hearing issued under this section shall be issued within six months following the initial permanency hearing.

(2) All other permanency hearings. At the conclusion of the hearing pursuant to section one thousand twenty-two, one thousand twenty-seven, one thousand fifty-two, one thousand eighty-nine, one thousand ninety-one, one thousand ninety-four or one thousand ninety-five of this act at which the child was remanded or placed and upon the court's approval of a voluntary placement instrument pursuant to section three hundred fifty-eight-a of the social services law, the court shall set a date certain for an initial permanency hearing, advise all parties in court of the date set and include the date in the order. Orders issued in subsequent court hearings prior to the permanency hearing, including, but not limited to, the order of placement issued pursuant to section one thousand fifty-five of this act, shall include the date certain for the permanency hearing. The **final order in the** initial permanency hearing shall be [~~commenced~~] **issued** no later than six months from the date [~~which is sixty days after~~] the child was removed from his or her home[~~; provided, however, that if a sibling or half-sibling of the child has previously been removed from the home and has a permanency hearing date certain scheduled within the next eight months, the permanency hearing for each child subsequently removed from the home shall be scheduled on the same date certain that has been set for the first child removed from the home, unless such sibling or half-sibling has been removed from the home pursuant to article three or seven of this act. The permanency hearing shall be completed within thirty days of the scheduled date certain~~].

(3) Subsequent permanency hearings for a child who continues in out-of-home placement or who is freed for adoption shall be scheduled for a date certain which shall be no later than six months from the completion of the previous permanency hearing and such subsequent permanency hear-

ings shall be completed within thirty days of the date certain set for such hearings.

§ 4. This act shall take effect on the sixtieth day after it shall have become a law and shall apply to proceedings commenced on and after such date.