

# STATE OF NEW YORK

1643--A

2023-2024 Regular Sessions

## IN ASSEMBLY

January 17, 2023

Introduced by M. of A. THIELE -- read once and referred to the Committee on Judiciary -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

- 1 Section 1. This act shall be known and may be cited as "Karilyn's  
2 law".
- 3 § 2. Paragraph 1 of subdivision (b) of section 81.07 of the mental  
4 hygiene law, as amended by chapter 438 of the laws of 2004, is amended  
5 to read as follows:
- 6 1. set the date on which the order to show cause is heard no more than  
7 twenty-eight days from the date of the signing of the order to show  
8 cause. The court may for good cause shown set a date less than twenty-  
9 eight days from the date of the signing of the order to show cause;  
10 provided that where the order to show cause concerns family visitation  
11 rights, the court shall set the date on which the order to show cause is  
12 heard and for which a temporary order will be issued no more than ten  
13 days from the date of the signing of the order to show cause. Upon  
14 such application for visitation, there shall be a rebuttable presumption  
15 in favor of visitation. Visitation shall only be denied upon clear and  
16 convincing evidence that is not in the best interests of the ward, such  
17 determinations shall be on the record or by written decision. It is  
18 further within the court's discretion to provide whatever limitations  
19 deemed appropriate, including, but not limited to, supervised  
20 visitation. The date of the hearing may be adjourned only for good  
21 cause shown;
- 22 § 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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