

STATE OF NEW YORK

6545

2023-2024 Regular Sessions

IN ASSEMBLY

April 14, 2023

Introduced by M. of A. DAVILA -- (at request of the Office of Court Administration) -- read once and referred to the Committee on Children and Families

AN ACT to amend the family court act, in relation to orders of protection expiration dates and permissible duration of temporary orders of protection in juvenile delinquency cases in family court

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

Section 1. Subdivision 1 of section 154-c of the family court act, as added by chapter 186 of the laws of 1997, is amended to read as follows:

1. Expiration dates. Any order of protection or temporary order of protection issued under articles three, four, five, six [~~and~~], seven, eight, ten and ten-A of this act shall plainly state the date that such order expires.

§ 2. Subdivision 4 of section 304.2 of the family court act, as added by chapter 683 of the laws of 1984, is amended to read as follows:

(4) A temporary order of protection issued or extended after the filing of a petition under this article shall contain an expiration date and may remain in effect until an order of disposition is entered.

a. A temporary order of protection issued prior to the filing of a petition under this article may remain in effect for an initial period of up to thirty days and may be extended by the court for an additional period of up to thirty days upon good cause or, where the juvenile's case is being adjusted pursuant to section 308.1 of this article, for a period coinciding with such adjustment. If the juvenile successfully completes adjustment prior to the expiration of the order, the probation service, presentment agency or attorney for the child may move to vacate such temporary order of protection upon such successful completion.

b. A temporary order of protection issued under this section may be extended for one additional period of up to thirty days upon a finding by the court of a compelling reason. Where the case is not being

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

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1 adjusted or where efforts to adjust the case have been terminated unsuc-
2 cessfully, the court must also determine whether the presentment agency
3 has made diligent efforts to file the petition and the reasons for any
4 delay.

5 c. Any application for an extension of a temporary order of protection
6 under this section shall be on notice to the juvenile, who shall have an
7 opportunity to be heard and shall have a right to counsel pursuant to
8 section two hundred forty-nine of this act.

9 § 3. This act shall take effect immediately.