STATE OF NEW YORK

2861--A

2023-2024 Regular Sessions

IN SENATE

January 25, 2023

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

AN ACT to amend the family court act, in relation to temporary orders of protection

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

Section 1. Section 304.2 of the family court act, as added by chapter 683 of the laws of 1984, is amended to read as follows:

§ 304.2. Temporary order of protection. (1) Upon application by the presentment agency, the court may issue a temporary order of protection against a respondent for good cause shown, ex parte or upon notice, at any time after a juvenile is taken into custody, pursuant to section 305.1 or 305.2 or upon the issuance of an appearance ticket pursuant to section 307.1 or upon the filing of a petition pursuant to section 310.1 **or upon application of the county probation department as a part of the adjustment process pursuant to CFR 204.31 and section 205.31 of the uniform rules for the family court**.

(2) A temporary order of protection may contain any of the provisions authorized on the making of an order of protection under section 352.3.

(3) A temporary order of protection is not a finding of wrongdoing.

(4) A temporary order of protection may remain in effect until an order of disposition is entered.

§ 2. This act shall take effect immediately.

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

LBD06389-03-3