STATE OF NEW YORK

10556

IN ASSEMBLY

March 13, 2026

Introduced by M. of A. HEVESI -- 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 where the respondent is a minor who resides with a parent or other legally responsible person or other party

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

Section 1. Subdivision (a) of section 759 of the family court act, as amended by chapter 483 of the laws of 1995, is amended to read as follows:

(a) to stay away from the home, school, business or place of employment of any other party, the other spouse, the other parent or the child, and to stay away from any other specific location designated by the court**; provided, however, that where the respondent resides with a parent, other person legally responsible or other party, no order of protection or temporary order of protection may be issued that directs the respondent to stay away from the home of such individual if, after inquiry, the court determines that the effect of such order would leave the respondent without an appropriate alternative residence either with a relative or other suitable person or in pre-dispositional or dispositional placement under section seven hundred forty or seven hundred fifty-six of this article**;

§ 2. Paragraphs (a) and (c) of subdivision 3 of section 821-a of the family court act, as added by chapter 222 of the laws of 1994, are amended and a new subdivision 7 is added to read as follows:

(a) advise the parties of the right to retain legal representation or, if indigent, the right to have counsel appointed pursuant to section two hundred sixty-two of this act **and, if the respondent is under the age of eighteen and the petitioner is a parent or other person legally responsible for the respondent, the right to have a guardian ad litem appointed, if the court deems it appropriate**;

(c) provide the respondent with a copy of such petition; and the court may:

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

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(i) order the release of the respondent on [~~his or her~~] the respondent's own recognizance pending further appearances as required by the court;

(ii) if the respondent is under the age of eighteen, appoint a guardian ad litem for the respondent if the court deems it appropriate;

(iii) where the respondent is over the age of eighteen, direct that the respondent post bail in a manner authorized pursuant to section one hundred fifty-five-a of this act in an amount set by the court; or

[~~(iii)~~] (iv) where the respondent is over the age of eighteen, issue a commitment order directing that the respondent be remanded to the custody of the county sheriff or other appropriate law enforcement official until such time as bail is posted as required by the court.

7. At any time upon or after the filing of a petition under this article by a parent or other person legally responsible against a child under the age of eighteen, the court may, on its own motion or on motion of any party, substitute a petition alleging that the child is a person in need of supervision; provided, however, that if the petition has been filed by a parent or other person legally responsible against a child under the age of twelve, the court shall substitute a petition alleging that the child is a person in need of supervision at such time as the petitioner first appears in court.

§ 3. Subdivisions (b) and (c) of section 841 of the family court act, subdivision (b) as amended by chapter 706 of the laws of 1988 and subdivision (c) as amended by chapter 222 of the laws of 1994, are amended to read as follows:

(b) suspending judgment for a period not in excess of six months and requiring respondent to participate in a batterer's education program designed to help end violent behavior, and may include referral to drug and alcohol and mental health counseling, and to pay the costs thereof if respondent has the means to do so, provided however that nothing contained herein shall be deemed to require payment of the costs of any such program by the petitioner, the state or any political subdivision thereof; or

(c) placing the respondent on probation for a period not exceeding one year, and requiring respondent to participate in a batterer's education program designed to help end violent behavior, [~~which~~] and may include referral to drug and alcohol and mental health counseling, and to pay the costs thereof if respondent has the means to do so, provided however that nothing contained herein shall be deemed to require payment of the costs of any such program by the petitioner, the state or any political subdivision thereof; or

§ 4. Section 842 of the family court act is amended by adding a new undesignated paragraph to read as follows:

Where the respondent was under the age of eighteen at the time of the filing of the petition and resides with the petitioner or other party who seeks the respondent's exclusion from the home, the court shall inquire whether the respondent has a relative or other suitable person with whom to reside. In such cases, no order of protection or temporary order of protection may be issued under subdivision (a) of this section directing the respondent to stay away from such home if the court determines that the effect of such order would leave the respondent without an appropriate alternative residence.

§ 5. This act shall take effect on the one hundred twentieth day after it shall have become a law.