

STATE OF NEW YORK

6194--A

2025-2026 Regular Sessions

IN ASSEMBLY

February 27, 2025

Introduced by M. of A. HEVESI, CLARK, HUNTER, LAVINE, SIMON, JACKSON, K. BROWN, STIRPE, GONZALEZ-ROJAS, DURSO, OTIS, BRABENEC, MANKTELOW, ANGELINO, COOK, STERN, BLANKENBUSH, RA, PHEFFER AMATO, ROSENTHAL, LUPARDO, SIMPSON, EPSTEIN, KELLES, JENSEN, STECK, CRUZ, CUNNINGHAM, HAWLEY, PAULIN, BARRETT, GIBBS, DINOWITZ, GIGLIO, BORES, GANDOLFO, SHIMSKY, BRONSON, DE LOS SANTOS, WOERNER, WILLIAMS, ALVAREZ, MEEKS, SIMONE, TAPIA, LEVENBERG, RAGA, COLTON, LEE, GALLAHAN, WEPRIN, SAYEGH, BICHOTTE HERMELYN, TAYLOR, SLATER, NOVAKHOV, DeSTEFANO, McDONOUGH, MORINELLO, JONES, PALMESANO, NORBER, KAY, MAHER, MILLER, DAVILA, BEEPHAN, SEAWRIGHT, McDONALD, BURDICK, SOLAGES, FITZPATRICK, CONRAD, SEPTIMO, BUTTENSCHON, EACHUS, RIVERA, LUNSFORD, BLUMENCRANZ, ZINERMAN, CHANG, MIKULIN, LEMONDES, P. CARROLL, GLICK, SEMPOLINSKI, ZACCARO, BURROUGHS, O'PHARROW, GRIFFIN, SMITH, SCHIAVONI, LASHER, RAJKUMAR, BAILEY, CHLUDZINSKI, HOOKS, BOLOGNA, ROMERO, REYES, BENDETT, BENEDETTO, KASSAY -- 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 domestic relations law and the family court act, in relation to establishing "Kyra's Law"

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

1 Section 1. Short title. This act shall be known and may be cited as
2 "Kyra's Law".

3 § 2. Legislative intent. The legislature recognizes that the safety
4 of children is of paramount importance and is an integral element of
5 their best interests. To that end, the legislature finds that judicial
6 decisions regarding custody of, and access to, children shall promote
7 the safety of children as a threshold issue.

8 § 3. Paragraphs (a) and (a-1) of subdivision 1 of section 240 of the
9 domestic relations law, paragraph (a) as amended by chapter 567 of the

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

LBD10304-04-5

1 laws of 2015 and paragraph (a-1) as amended by chapter 295 of the laws
2 of 2009, are amended to read as follows:

3 (a) In any action or proceeding brought (1) to annul a marriage or to
4 declare the nullity of a void marriage, or (2) for a separation, or (3)
5 for a divorce, or (4) to obtain, by a writ of habeas corpus or by peti-
6 tion and order to show cause, the custody of or right to visitation with
7 any child of a marriage, the court shall require verification of the
8 status of any child of the marriage with respect to such child's custody
9 and support, including any prior orders, and shall enter orders for
10 custody and support as, in the court's discretion, justice requires,
11 having regard to the circumstances of the case and of the respective
12 parties and to the best interests of the child and subject to the
13 provisions of subdivision one-c of this section. When the parties first
14 appear in court, the court shall advise the parties before proceeding of
15 the right to be represented by counsel of their own choosing, of the
16 right to an adjournment of no longer than thirty days to confer with
17 counsel, and the right to seek counsel fees and expenses, pursuant to
18 section two hundred thirty-seven of this article. The court shall assign
19 counsel to the eligible parties and children, pursuant to article two of
20 the family court act and subdivisions seven and eight of section thir-
21 ty-five of the judiciary law. Where either party to an action concerning
22 custody of or a right to visitation with a child alleges in a sworn
23 petition or complaint or sworn answer, cross-petition, counterclaim or
24 other sworn responsive pleading that the other party has committed an
25 act of domestic violence against the party making the allegation or a
26 family or household member of either party, as such family or household
27 member is defined in article eight of the family court act, and such
28 allegations are proven by a preponderance of the evidence, the court
29 ~~must~~ shall consider the effect of such domestic violence upon the best
30 interests of the child, together with such other facts and circumstances
31 as the court deems relevant in making a direction pursuant to this
32 section and state on the record how such findings, facts and circum-
33 stances factored into the direction. If a parent makes a good faith
34 allegation based on a reasonable belief supported by facts that the
35 child is the victim of child abuse, child neglect, or the effects of
36 domestic violence, and if that parent acts lawfully and in good faith in
37 response to that reasonable belief to protect the child or seek treat-
38 ment for the child, then that parent shall not be deprived of custody,
39 visitation or contact with the child, or restricted in custody, visita-
40 tion or contact, based solely on that belief or the reasonable actions
41 taken based on that belief. If an allegation that a child is abused is
42 supported by a preponderance of the evidence, then the court shall
43 consider such evidence of abuse in determining the visitation arrange-
44 ment that is in the best interest of the child, and the court shall not
45 place a child in the custody of a parent who presents a substantial risk
46 of harm to that child, and shall state on the record how such findings
47 were factored into the determination. Where a proceeding filed pursuant
48 to article ten or ten-A of the family court act is pending at the same
49 time as a proceeding brought in the supreme court involving the custody
50 of, or right to visitation with, any child of a marriage, the court
51 presiding over the proceeding under article ten or ten-A of the family
52 court act may jointly hear the dispositional hearing on the petition
53 under article ten or the permanency hearing under article ten-A of the
54 family court act and, upon referral from the supreme court, the hearing
55 to resolve the matter of custody or visitation in the proceeding pending

1 in the supreme court; provided however, the court [~~must~~] shall determine
2 custody or visitation in accordance with the terms of this section.

3 An order directing the payment of child support shall contain the
4 social security numbers of the named parties. In all cases there shall
5 be no prima facie right to the custody of the child in either parent.
6 Such direction shall make provision for child support out of the proper-
7 ty of either or both parents. The court shall make its award for child
8 support pursuant to subdivision one-b of this section. Such direction
9 may provide for reasonable visitation rights to the [~~maternal—and/or~~
10 ~~paternal~~] grandparents of any child of the parties. Such direction as it
11 applies to rights of visitation with a child remanded or placed in the
12 care of a person, official, agency or institution pursuant to article
13 ten of the family court act, or pursuant to an instrument approved under
14 section three hundred fifty-eight-a of the social services law, shall be
15 enforceable pursuant to part eight of article ten of the family court
16 act and sections three hundred fifty-eight-a and three hundred eighty-
17 four-a of the social services law and other applicable provisions of law
18 against any person having care and custody, or temporary care and custo-
19 dy, of the child. Notwithstanding any other provision of law, any writ-
20 ten application or motion to the court for the establishment, modifica-
21 tion or enforcement of a child support obligation for persons not in
22 receipt of public assistance and care [~~must~~] shall contain either a
23 request for child support enforcement services which would authorize the
24 collection of the support obligation by the immediate issuance of an
25 income execution for support enforcement as provided for by this chap-
26 ter, completed in the manner specified in section one hundred eleven-g
27 of the social services law; or a statement that the applicant has
28 applied for or is in receipt of such services; or a statement that the
29 applicant knows of the availability of such services, has declined them
30 at this time and where support enforcement services pursuant to section
31 one hundred eleven-g of the social services law have been declined that
32 the applicant understands that an income deduction order may be issued
33 pursuant to subdivision (c) of section fifty-two hundred forty-two of
34 the civil practice law and rules without other child support enforcement
35 services and that payment of an administrative fee may be required. The
36 court shall provide a copy of any such request for child support
37 enforcement services to the support collection unit of the appropriate
38 social services district any time it directs payments to be made to such
39 support collection unit. Additionally, the copy of any such request
40 shall be accompanied by the name, address and social security number of
41 the parties; the date and place of the parties' marriage; the name and
42 date of birth of the child or children; and the name and address of the
43 employers and income payors of the party from whom child support is
44 sought or from the party ordered to pay child support to the other
45 party. Such direction may require the payment of a sum or sums of money
46 either directly to the custodial parent or to third persons for goods or
47 services furnished for such child, or for both payments to the custodial
48 parent and to such third persons; provided, however, that unless the
49 party seeking or receiving child support has applied for or is receiving
50 such services, the court shall not direct such payments to be made to
51 the support collection unit, as established in section one hundred
52 eleven-h of the social services law. Every order directing the payment
53 of support shall require that if either parent currently, or at any time
54 in the future, has health insurance benefits available that may be
55 extended or obtained to cover the child, such parent is required to
56 exercise the option of additional coverage in favor of such child and

1 execute and deliver to such person any forms, notices, documents or
2 instruments necessary to assure timely payment of any health insurance
3 claims for such child.

4 (a-1)(1) [~~Permanent and initial temporary orders of custody or visita-~~
5 ~~tion. Prior to the issuance of any permanent or initial temporary order~~
6 ~~of custody or visitation, the court shall conduct a review of the deci-~~
7 ~~sions and reports listed in subparagraph three of this paragraph.~~

8 ~~(2) Successive temporary orders of custody or visitation. Prior to the~~
9 ~~issuance of any successive temporary order of custody or visitation, the~~
10 ~~court shall conduct a review of the decisions and reports listed in~~
11 ~~subparagraph three of this paragraph, unless such a review has been~~
12 ~~conducted within ninety days prior to the issuance of such order.~~

13 ~~(3) Decisions and reports for review. The court shall conduct a review~~
14 ~~of the following:] Decisions and reports for review. The court shall
15 conduct a review of the following:~~

16 (i) related decisions in court proceedings initiated pursuant to arti-
17 cle ten of the family court act, and all warrants issued under the fami-
18 ly court act; and

19 (ii) reports of the statewide computerized registry of orders of
20 protection established and maintained pursuant to section two hundred
21 twenty-one-a of the executive law, and reports of the sex offender
22 registry established and maintained pursuant to section one hundred
23 sixty-eight-b of the correction law.

24 (2) Evidence. The court shall also consider competent, material and
25 relevant evidence, if presented to the court, including, but not limited
26 to, the following; provided, however, that certification or authentica-
27 tion of a law enforcement record or medical record shall not be required
28 for the record, or a portion thereof, to be admitted:

29 (i) any party's history of domestic violence or child abuse, incidents
30 involving harm to a child, or substantial risk to the child's safety;

31 (ii) police reports, including domestic violence incident reports or
32 reporting of incidents involving child abuse or domestic violence by a
33 party; and

34 (iii) evidence and prior judicial findings of child abuse, domestic
35 violence, or substantial risk to the child's safety, including but not
36 limited to:

37 (A) an increase in frequency or severity of domestic violence;

38 (B) use or threats to use a weapon or dangerous instrument, or unlaw-
39 ful possession of firearms;

40 (C) threats to harm or kill the child, the other party, the other
41 party's children, self or others, or companion animals;

42 (D) sexual abuse or other sexual offenses against the child or the
43 other party;

44 (E) unlawful dissemination or publication of an intimate image, pursu-
45 ant to section 245.15 of the penal law;

46 (F) incidents involving obstruction of breathing or strangulation;

47 (G) any party's pattern of alcohol or substance abuse that poses
48 substantial risk to the child's safety;

49 (H) incidents of violence during pregnancy;

50 (I) incidents of stalking or cyber stalking; and

51 (J) coercive control, as defined in paragraph (b) of subdivision one
52 of section two hundred forty-e of this article.

53 (K) any other considerations the court deems appropriate.

54 (3) Conditions of custody or visitation. After conducting such review
55 the court may set forth limitations or conditions on a party's custody,

1 visitation or contact with a child in a temporary order of custody or
2 visitation.

3 (i) If the court sets forth limitations or conditions on a party's
4 custody, visitation or contact with a child the court shall consider
5 such limitation or conditions as a significant factor when determining a
6 temporary order of custody or visitation, sole or joint custody or visi-
7 tation that is unsupervised or without sufficient protections of the
8 child's safety to a party who poses a substantial risk to the child's
9 safety. Supervision in such cases may also be provided by a relative or
10 other resource deemed appropriate by the court.

11 (ii) The court shall state in writing or on the record the consider-
12 ations it reviewed to set forth conditions of custody or visitation in a
13 temporary order of custody.

14 (iii) Nothing contained in this subparagraph shall be deemed in any
15 way to limit, restrict, expand or impair the rights of any party to file
16 for a modification of a temporary order as is otherwise provided by law.

17 (4) Notifying counsel and issuing orders. Upon consideration of deci-
18 sions pursuant to article ten of the family court act, and registry
19 reports and notifying counsel involved in the proceeding, or in the
20 event of a self-represented party, notifying such party of the results
21 thereof, including any court appointed attorney for children, the court
22 may issue a temporary, successive temporary or final order of custody or
23 visitation.

24 (5) Temporary emergency order. Notwithstanding any other provision of
25 the law, upon emergency situations, including computer malfunctions, to
26 serve the best interest of the child, the court may issue a temporary
27 emergency order for custody or visitation in the event that it is not
28 possible to timely review decisions and reports on registries as
29 required pursuant to subparagraph [~~three~~ one] of this paragraph.

30 (6) After issuing a temporary emergency order. After issuing a tempo-
31 rary emergency order of custody or visitation, the court shall conduct
32 reviews of the decisions and reports on registries as required pursuant
33 to subparagraph [~~three~~ one] of this paragraph within twenty-four hours
34 of the issuance of such temporary emergency order. Should such twenty-
35 four hour period fall on a day when court is not in session, then the
36 required reviews shall take place the next day the court is in session.
37 Upon reviewing decisions and reports the court shall notify associated
38 counsel, self-represented parties and attorneys for children pursuant to
39 subparagraph four of this paragraph and may issue temporary or permanent
40 custody or visitation orders.

41 (7) Expedited hearing request. Nothing in this paragraph shall be
42 construed to limit the ability of a party or the child's attorney to
43 request, or the ability of the court to hold, an expedited hearing to
44 address other new matters that affect the child's well-being.

45 (8) Feasibility study. The commissioner of the office of children and
46 family services, in conjunction with the office of court administration,
47 is hereby authorized and directed to examine, study, evaluate and make
48 recommendations concerning the feasibility of the utilization of comput-
49 ers in courts which are connected to the statewide central register of
50 child abuse and maltreatment established and maintained pursuant to
51 section four hundred twenty-two of the social services law, as a means
52 of providing courts with information regarding parties requesting orders
53 of custody or visitation. Such commissioner shall make a preliminary
54 report to the governor and the legislature of findings, conclusions and
55 recommendations not later than January first, two thousand nine, and a
56 final report of findings, conclusions and recommendations not later than

1 June first, two thousand nine, and shall submit with the reports such
2 legislative proposals as are deemed necessary to implement the commis-
3 sioner's recommendations.

4 § 4. The domestic relations law is amended by adding a new section
5 240-e to read as follows:

6 § 240-e. Custody and visitation; safety of the child. 1. For the
7 purposes of this section, the following terms shall have the following
8 meanings:

9 (a) "Victim of domestic violence" shall have the same meaning as
10 defined in section four hundred fifty-nine-a of the social services law.

11 (b) "Coercive control" means a pattern of behavior that unreasonably
12 restricts a party's safety or autonomy through threats, or intimidation,
13 or by compelling compliance. This conduct includes, but is not limited
14 to:

15 (i) isolating the other party from friends, family or other sources of
16 support;

17 (ii) interfering with a party's freedom of movement;

18 (iii) depriving the other party of basic necessities such as food,
19 sleep, clothing, housing, medication or medical care;

20 (iv) controlling, regulating, surveilling or monitoring the other
21 party's movements, communications, daily behavior, appearance, finances,
22 economic resources or access to services;

23 (v) compelling the other party by force, threat of force or intim-
24 idation, including but not limited to threats based on actual or
25 suspected immigration status, to engage in conduct from which the other
26 party has a right to abstain or to abstain from conduct in which the
27 other party has a right to engage;

28 (vi) interfering with the other party's education or employment;

29 (vii) forcing or compelling the other party to perform sex acts, or
30 threats of a sexual nature, including but not limited to threatened acts
31 of sexual conduct, threats based on a person's sexuality or threats to
32 release intimate images; or

33 (viii) cleaning, accessing, displaying, using or wearing a firearm or
34 other dangerous weapon in an intimidating or threatening manner.

35 2. Notwithstanding any other provision of law to the contrary, before
36 a court making a final determination of custody or visitation based on
37 the best interests of a child pursuant to the provisions of this chap-
38 ter, such court shall conduct a review of any allegations of domestic
39 violence or child abuse made by either party against the other party,
40 including, but not limited to:

41 (a) whether any party to the proceeding has committed, or has threat-
42 ened to commit an act of child abuse against the child, or has committed
43 or threatened to commit an act of domestic violence against the party
44 making the allegation, or a family or household member of either party
45 as such family or household member is defined in article eight of the
46 family court act;

47 (b) any party's history of domestic violence, child abuse, incidents
48 involving harm to a child or substantial risk to the child's safety;

49 (c) police reports, including domestic violence incident reports or
50 reporting of incidents involving child abuse or domestic violence by a
51 party;

52 (d) incidents of child abuse, domestic violence, or substantial risk
53 to the child's safety, including but not limited to:

54 (i) an increase in frequency or severity of domestic violence;

55 (ii) use or threats to use a weapon or dangerous instrument, or unlaw-
56 ful possession of firearms;

1 (iii) threats to harm or kill the child, the other party, the other
2 party's children, self or others, or companion animals;

3 (iv) sexual abuse or other sexual offenses against the child or other
4 party;

5 (v) unlawful dissemination or publication of an intimate image, pursu-
6 ant to section 245.15 of the penal law;

7 (vi) incidents involving obstruction of breathing or strangulation;

8 (vii) any party's pattern of alcohol or substance abuse that poses a
9 substantial risk to the child's safety;

10 (viii) incidents of violence during pregnancy;

11 (ix) incidents of stalking or cyber stalking; and

12 (x) coercive control, as defined in paragraph (b) of subdivision one
13 of this section;

14 (e) whether any party has been found to have committed an act pursuant
15 to section eight hundred twelve of the family court act between spouses
16 or former spouses, or between parent and child or between members of the
17 same family or household;

18 (f) whether any party has used or threatened to use a dangerous
19 instrument to harm the other party, child, or a third party, including a
20 firearm, except in incidents involving self-defense, or has unlawfully
21 possessed a weapon or firearm, or has been convicted of criminal
22 possession of a weapon or criminal use of a firearm pursuant to article
23 two hundred sixty-five of the penal law, or is or has been subject to an
24 extreme risk protection order, pursuant to article sixty-three-A of the
25 civil practice law and rules; and

26 (g) any other considerations the court deems appropriate.

27 3. If the court sets forth limitations or conditions on a party's
28 custody, visitation or contact with a child, the court shall consider
29 such limitation or conditions as a significant factor in determining a
30 temporary order of custody or visitation, sole or joint custody or visi-
31 tation that is unsupervised or without sufficient protections of the
32 child's safety to a party against whom such limitations or conditions
33 apply. Supervision in such cases may also be provided by a relative or
34 other resource deemed appropriate by the court.

35 4. (a) In any proceeding for custody or visitation where a party
36 asserts allegations of domestic violence, or child abuse, the court
37 shall not find that protective behaviors to safeguard the child which
38 were engaged in by the party who has made such allegations constitute
39 failure to support the child's relationship with the other party.

40 (b) The court shall not presume that a child's reluctance to interact
41 with a party was caused by the other party, nor shall a party be given
42 custody for the sole purpose of improving a relationship between the
43 child and such party or in an attempt to address the child's reluctance
44 to interact with such party. Where appropriate, however, the court may
45 enter an order directing one or more parties to refrain from disparaging
46 the other party or parties in the presence of the child or children.

47 (c) Nothing in this section shall be construed to create an exception
48 to section seven hundred fifty-three of the judiciary law, or any other
49 enforcement provision, such that a party may seek to enforce any proper
50 ruling of the court, unless stayed, concerning access to the child or
51 conditions of access to the child.

52 5. The chief administrator of the courts shall promulgate comprehen-
53 sive training on topics necessary to conduct a review of allegations of
54 domestic violence, child abuse and child neglect to judges, referees,
55 and other hearing officers presiding over child custody proceedings.

1 This comprehensive training shall be part of the mandatory annual training
2 administered by the office of court administration.

3 § 5. Section 70 of the domestic relations law, as amended by chapter
4 457 of the laws of 1988, is amended to read as follows:

5 § 70. Habeas corpus for child detained by parent. (a) (i) Where a
6 minor child is residing within this state, either parent may apply to
7 the supreme court for a writ of habeas corpus to have such minor child
8 brought before such court; and on the return thereof, the court, on due
9 consideration, may award the natural guardianship, charge and custody of
10 such child to either parent for such time, under such regulations and
11 restrictions, and with such provisions and directions, as the case may
12 require, and may at any time thereafter vacate or modify such order. In
13 all cases there shall be no prima facie right to the custody of the
14 child in either parent, but the court shall determine solely what is for
15 the best interest of the child, and what will best promote its welfare
16 and happiness, and make award accordingly. Where the court issues any
17 initial or successive temporary order of custody or visitation or perma-
18 nent order of custody or visitation, the court shall conduct a review of
19 the decisions and reports listed in subparagraph two of paragraph (a-1)
20 of subdivision one of section two hundred forty of this chapter, unless
21 such a review has been conducted within ninety days prior to the issu-
22 ance of such order.

23 (ii) When issuing any temporary order of custody or visitation, or
24 denying an application for a temporary order after conducting a review
25 of allegations of domestic violence or child abuse, the court shall
26 state in writing or on the record the considerations it reviewed.

27 (iii) Notwithstanding any other provision of law to the contrary, a
28 court making a final determination of custody or visitation based on the
29 best interests of a child pursuant to the provisions of this chapter
30 shall prioritize and promote the safety of such child when making such
31 determinations. Only competent, material and relevant evidence shall be
32 admitted. Promoting the safety of a child shall include efforts to
33 prevent physical or emotional harm to such child and shall be assessed
34 by considering any evidence adduced of a substantial risk to the child's
35 safety, including decisions and reports identified in subparagraph two
36 of paragraph (a-1) of subdivision one of section two hundred forty of
37 this chapter.

38 (iv) In making a decision pursuant to paragraph (i) of this subdivi-
39 sion, the court shall be bound by the presumptions and admissibility
40 described pursuant to section two hundred forty of this chapter.

41 (v) Before judges, referees and other hearing officers preside over
42 child custody proceedings in which one or more parties have alleged
43 domestic violence or child abuse, they shall complete initial training
44 for the handling of such cases as described pursuant to paragraph (a) of
45 subdivision six of section two hundred forty-e of this chapter and in
46 accordance with the rules of the chief administrator of the courts. Once
47 initial training requirements have been met, judges, referees and other
48 hearing officers shall complete additional training every two years
49 thereafter to remain eligible to preside over such proceedings as
50 described pursuant to subdivision five of section two hundred forty-e of
51 this chapter and in accordance with such rules.

52 (b) Any order under this section which applies to rights of visitation
53 with a child remanded or placed in the care of a person, official, agen-
54 cy or institution pursuant to article ten of the family court act or
55 pursuant to an instrument approved under section three hundred fifty-
56 eight-a of the social services law, shall be enforceable pursuant to the

1 provisions of part eight of article ten of such act, sections three
2 hundred fifty-eight-a and three hundred eighty-four-a of the social
3 services law and other applicable provisions of law against any person
4 or official having care and custody, or temporary care and custody, of
5 such child.

6 § 6. Subdivision (b) of section 651 of the family court act, as
7 amended by chapter 657 of the laws of 2003, is amended to read as
8 follows:

9 (b) (i) When initiated in the family court, the family court has
10 jurisdiction to determine, in accordance with subdivision one of section
11 two hundred forty of the domestic relations law and with the same powers
12 possessed by the supreme court in addition to its own powers, habeas
13 corpus proceedings and proceedings brought by petition and order to show
14 cause, for the determination of the custody or visitation of minors,
15 including applications by a grandparent or grandparents for visitation
16 or custody rights pursuant to section seventy-two or two hundred forty
17 of the domestic relations law.

18 (ii) The family court shall update its petition used by parties to
19 initiate child custody and visitation proceedings in a manner to permit
20 petitioners to specify allegations of child abuse, domestic violence, or
21 a substantial risk to a child's safety.

22 § 7. Subdivision (e) of section 651 of the family court act, as
23 amended by chapter 295 of the laws of 2009, is amended to read as
24 follows:

25 (e) 1. Permanent and initial temporary orders of custody or visita-
26 tion. Prior to the issuance of any permanent or initial temporary order
27 of custody or visitation, the court shall conduct a review of [~~the deci-~~
28 ~~sions and reports listed in paragraph three of this subdivision.~~] any
29 allegations of domestic violence or child abuse made by either party to
30 an action concerning custody of or a right to visitation with a child
31 against the other party, pursuant to paragraph (a-1) of subdivision one
32 of section two hundred forty and section two hundred forty-e of the
33 domestic relations law. When the parties first appear in court, the
34 court shall advise the parties before proceeding of the right to be
35 represented by counsel of their own choosing, of the right to have an
36 adjournment of no longer than thirty days to confer with counsel, and
37 the right to seek counsel fees and expenses, pursuant to section two
38 hundred thirty-seven of the domestic relations law. The court shall
39 assign counsel to the eligible parties and children, pursuant to article
40 two of this act and subdivisions seven and eight of section thirty-five
41 of the judiciary law.

42 2. [~~Successive temporary orders of custody or visitation. Prior to the~~
43 ~~issuance of any successive temporary order of custody or visitation, the~~
44 ~~court shall conduct a review of the decisions and reports listed in~~
45 ~~paragraph three of this subdivision, unless such a review has been~~
46 ~~conducted within ninety days prior to the issuance of such order.~~

47 ~~3.]~~ Decisions and reports for review. The court shall conduct a review
48 of the following:

49 (i) related decisions in court proceedings initiated pursuant to arti-
50 cle ten of this act, and all warrants issued under this act; and

51 (ii) reports of the statewide computerized registry of orders of
52 protection established and maintained pursuant to section two hundred
53 twenty-one-a of the executive law, and reports of the sex offender
54 registry established and maintained pursuant to section one hundred
55 sixty-eight-b of the correction law.

1 3. Evidence. The court shall also consider competent, material and
2 relevant evidence, if presented to the court, including, but not limited
3 to, the following; provided, however, that certification or authentica-
4 tion of a law enforcement record or medical record shall not be required
5 for the record, or a portion thereof, to be admitted:

6 (i) any party's history of domestic violence or child abuse, incidents
7 involving harm to a child, or a substantial risk to a child's safety;

8 (ii) police reports, including domestic violence incident reports, or
9 reports of incidents involving child abuse or domestic violence by a
10 party; and

11 (iii) evidence and prior judicial findings of incidents of child
12 abuse, domestic violence, or a substantial risk to a child's safety,
13 including but not limited to:

14 (A) an increase in frequency or severity of domestic violence;

15 (B) use or threats to use a weapon or dangerous instrument, or unlaw-
16 ful possession of firearms;

17 (C) threats to harm or kill the child, the other party, the other
18 party's children, self or others, or companion animals;

19 (D) sexual abuse or other sexual offenses against the child or other
20 party;

21 (E) unlawful dissemination or publication of an intimate image, pursu-
22 ant to section 245.15 of the penal law;

23 (F) incidents involving obstruction of breathing or strangulation;

24 (G) any party's pattern of alcohol or substance abuse that poses a
25 substantial risk to the child's safety;

26 (H) incidents of violence during pregnancy;

27 (I) incidents of stalking or cyber stalking;

28 (J) coercive control, as defined in paragraph (b) of subdivision one
29 of section two hundred forty-e of the domestic relations law; and

30 (K) any other considerations the court deems appropriate.

31 4. Notifying counsel and issuing orders. Upon consideration of deci-
32 sions pursuant to article ten of this act, and registry reports and
33 notifying counsel involved in the proceeding, or in the event of a self-
34 represented party, notifying such party of the results thereof, includ-
35 ing any court appointed attorney for children, the court may issue a
36 temporary, successive temporary or final order of custody or visitation.

37 5. Temporary emergency order. Notwithstanding any other provision of
38 the law, upon emergency situations, including computer malfunctions, to
39 serve the best interest of the child, the court may issue a temporary
40 emergency order for custody or visitation in the event that it is not
41 possible to timely review decisions and reports on registries as
42 required pursuant to paragraph [~~three~~] two of this subdivision.

43 6. After issuing a temporary emergency order. After issuing a tempo-
44 rary emergency order of custody or visitation, the court shall conduct
45 reviews of the decisions and reports on registries as required pursuant
46 to paragraph [~~three~~] two of this subdivision within twenty-four hours of
47 the issuance of such temporary emergency order. Should such twenty-four
48 hour period fall on a day when court is not in session, then the
49 required reviews shall take place the next day the court is in session.
50 Upon reviewing decisions and reports the court shall notify associated
51 counsel, self-represented parties and attorneys for children pursuant to
52 paragraph four of this subdivision and may issue temporary or permanent
53 custody or visitation orders.

54 7. Expedited hearing request. Nothing in this paragraph shall be
55 construed to limit the ability of a party or the child's attorney to

1 request, or the ability of the court to hold, an expedited hearing to
2 address other new matters that affect the child's well-being.

3 8. Feasibility study. The commissioner of the office of children and
4 family services, in conjunction with the office of court administration,
5 is hereby authorized and directed to examine, study, evaluate and make
6 recommendations concerning the feasibility of the utilization of comput-
7 ers in family courts which are connected to the statewide central regis-
8 ter of child abuse and maltreatment established and maintained pursuant
9 to section four hundred twenty-two of the social services law, as a
10 means of providing family courts with information regarding parties
11 requesting orders of custody or visitation. Such commissioner shall make
12 a preliminary report to the governor and the legislature of findings,
13 conclusions and recommendations not later than January thirty-first, two
14 thousand nine, and a final report of findings, conclusions and recommen-
15 dations not later than June first, two thousand nine, and shall submit
16 with the reports such legislative proposals as are deemed necessary to
17 implement the commissioner's recommendations.

18 § 8. Subdivision (a) of section 249 of the family court act, as
19 amended by chapter 3 of the laws of 2012, is amended to read as follows:

20 (a) In a proceeding under article three, seven, ten, ten-A or ten-C of
21 this act or where a revocation of an adoption consent is opposed under
22 section one hundred fifteen-b of the domestic relations law or in any
23 proceeding under section three hundred fifty-eight-a, three hundred
24 eighty-three-c, three hundred eighty-four or three hundred eighty-four-b
25 of the social services law or when a minor is sought to be placed in
26 protective custody under section one hundred fifty-eight of this act or
27 in any proceeding where a minor is detained under or governed by the
28 interstate compact for juveniles established pursuant to section five
29 hundred one-e of the executive law, the family court shall appoint an
30 attorney to represent a minor who is the subject of the proceeding or
31 who is sought to be placed in protective custody, if independent legal
32 representation is not available to such minor. In any proceeding to
33 extend or continue the placement of a juvenile delinquent or person in
34 need of supervision pursuant to section seven hundred fifty-six or 353.3
35 of this act or any proceeding to extend or continue a commitment to the
36 custody of the commissioner of mental health or the commissioner of
37 people with developmental disabilities pursuant to section 322.2 of this
38 act, the court shall not permit the respondent to waive the right to be
39 represented by counsel chosen by the respondent, respondent's parent, or
40 other person legally responsible for the respondent's care, or by
41 assigned counsel. In any proceeding under article ten-B of this act, the
42 family court shall appoint an attorney to represent a youth, under the
43 age of twenty-one, who is the subject of the proceeding, if independent
44 legal representation is not available to such youth. In any proceeding
45 under article six of this act, the court shall appoint an attorney to
46 represent the child when facially credible allegations of substantial
47 risk to the child's safety have been made. In any other proceeding in
48 which the court has jurisdiction, including all proceedings under arti-
49 cle six of this act, the court may appoint an attorney to represent the
50 child, when, in the opinion of the family court judge, such represen-
51 tation will serve the purposes of this act, if independent legal counsel
52 is not available to the child. The family court on its own motion may
53 make such appointment.

54 § 9. Subdivision (a) of section 249 of the family court act, as
55 amended by chapter 672 of the laws of 2019, is amended to read as
56 follows:

1 (a) In a proceeding under article three, seven, ten, ten-A or ten-C of
2 this act or where a revocation of an adoption consent is opposed under
3 section one hundred fifteen-b of the domestic relations law or in any
4 proceeding under section three hundred fifty-eight-a, three hundred
5 eighty-three-c, three hundred eighty-four or three hundred eighty-four-b
6 of the social services law or when a minor is sought to be placed in
7 protective custody under section one hundred fifty-eight of this act,
8 the family court shall appoint an attorney to represent a minor who is
9 the subject of the proceeding or who is sought to be placed in protec-
10 tive custody, if independent legal representation is not available to
11 such minor. In any proceeding to extend or continue the placement of a
12 juvenile delinquent or person in need of supervision pursuant to section
13 seven hundred fifty-six or 353.3 of this act or any proceeding to extend
14 or continue a commitment to the custody of the commissioner of mental
15 health or the commissioner of the office for people with developmental
16 disabilities pursuant to section 322.2 of this act, the court shall not
17 permit the respondent to waive the right to be represented by counsel
18 chosen by the respondent, respondent's parent, or other person legally
19 responsible for the respondent's care, or by assigned counsel. In any
20 proceeding under article ten-B of this act, the family court shall
21 appoint an attorney to represent a youth, under the age of twenty-one,
22 who is the subject of the proceeding, if independent legal represen-
23 tation is not available to such youth. In any proceeding under article
24 six of this act, the court shall appoint an attorney to represent the
25 child when facially credible allegations of substantial risk to the
26 child's safety have been made. In any other proceeding in which the
27 court has jurisdiction, including all proceedings under article six of
28 this act, the court may appoint an attorney to represent the child,
29 when, in the opinion of the family court judge, such representation will
30 serve the purposes of this act, if independent legal counsel is not
31 available to the child. The family court on its own motion may make such
32 appointment.

33 § 10. This act shall take effect on the two hundred seventieth day
34 after it shall have become a law; provided, however, that the amendments
35 to subdivision (a) of section 249 of the family court act made by
36 section eight of this act shall be subject to the expiration and rever-
37 sion of such subdivision pursuant to section 8 of chapter 29 of the laws
38 of 2011, as amended, when upon such date the provisions of section nine
39 of this act shall take effect. Effective immediately, the addition,
40 amendment and/or repeal of any rule or regulation necessary for the
41 implementation of this act on its effective date are authorized to be
42 made and completed on or before such effective date.