

STATE OF NEW YORK

10562

IN SENATE

May 22, 2026

Introduced by Sen. BRISPORT -- (at request of the Unified Court System)
-- read twice and ordered printed, and when printed to be committed to
the Committee on Children and Families

AN ACT to amend the family court act, in relation to children in the
care of a non-respondent parent during the pendency of a child protec-
tive proceeding

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

1 Section 1. Subparagraph (ii) of paragraph (a) of subdivision 2 and
2 subdivision 3 of section 1017 of the family court act, as amended by
3 chapter 567 of the laws of 2015, are amended to read as follows:
4 (ii) temporarily release the child directly to such non-respondent
5 parent or temporarily place the child with a relative or suitable person
6 pursuant to this article during the pendency of the proceeding or until
7 further order of the court, whichever is earlier and conduct such other
8 and further investigations as the court deems necessary; provided,
9 however, that retention of the child in the home of a non-respondent
10 parent with whom the child resided prior to the filing of the proceeding
11 under this article shall not constitute a release or placement under
12 this subparagraph. [~~The~~] Where such a release or placement occurs, the
13 court may direct the commissioner of social services, pursuant to regu-
14 lations of the office of children and family services, to commence an
15 investigation of the home of such non-respondent parent, relative or
16 suitable person within twenty-four hours and to report the results to
17 the court and the parties, including the attorney for the child. If the
18 home of a non-respondent parent, relative or suitable person, is found
19 unqualified as appropriate for the temporary release or placement of the
20 child under this article, the local commissioner shall report such fact
21 and the reasons therefor to the court and the parties, including the
22 attorney for the child, forthwith; or
23 3. (a) An order temporarily [~~releasing a child to a non-respondent~~
24 ~~parent or parents, or temporarily~~] placing a child with a relative or
25 relatives or other suitable person or persons pursuant to subparagraph
26 (ii) of paragraph (a) of subdivision two of this section or remanding or

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

LBD14969-01-6

1 placing a child with a local commissioner of social services to reside
2 with a relative or relatives or suitable person or persons as foster
3 parents pursuant to subparagraph (iii) of paragraph (a) of subdivision
4 two of this section may not be granted unless the person or persons to
5 whom the child is released, remanded or placed submits to the jurisdic-
6 tion of the court with respect to the child. The order shall set forth
7 the terms and conditions applicable to such person or persons and child
8 protective agency, social services official and duly authorized agency
9 with respect to the child and may include, but may not be limited to, a
10 direction for such person or persons to cooperate in making the child
11 available for court-ordered visitation with respondents, siblings and
12 others and for appointments with and visits by the child protective
13 agency, including visits in the home and in-person contact with the
14 child protective agency, social services official or duly authorized
15 agency, and for appointments with the child's attorney, clinician or
16 other individual or program providing services to the child during the
17 pendency of the proceeding.

18 ~~[The]~~ (b) In all cases under this section, the court also may issue a
19 temporary order of protection under subdivision (f) of section one thou-
20 sand twenty-two, section one thousand twenty-three or section one thou-
21 sand twenty-nine of this article and an order directing that services be
22 provided pursuant to section one thousand fifteen-a of this part.

23 § 2. The family court act is amended by adding a new section 1017-a
24 to read as follows:

25 § 1017-a. Children residing with a non-respondent parent or parents
26 during the pendency of a proceeding under this article. Where, during
27 the pendency of a proceeding under this article, a child either remains
28 in the home of a non-respondent parent or parents or, pursuant to
29 section one thousand seventeen of this article, is released to a non-
30 respondent parent or parents, the court may require the cooperation of
31 such non-respondent parent or parents to the extent necessary to meet
32 the needs of the child with respect to the proceeding, including, but
33 not limited to, a direction to make the child available for court-ord-
34 ered visitation with respondents, siblings and others, as well as
35 appointments with the child's attorney, clinician or other individual or
36 program providing services to the child during the pendency of the
37 proceeding.

38 § 3. Subdivisions (a) and (b) of section 1054 of the family court act,
39 as amended by chapter 567 of the laws of 2015, are amended to read as
40 follows:

41 (a) An order of disposition may release the child for a designated
42 period of up to one year to a non-respondent parent or parents or a
43 person or persons who had been the child's legal custodian or guardian
44 at the time of the filing of the petition, and who is not or are not
45 respondents in the proceeding under this article. An order under this
46 section may be extended upon a hearing for a period of up to one year
47 for good cause. For purposes of this section, retention of the child in
48 the home of a non-respondent parent or parents or a person or persons
49 who had been the legal custodians or guardians at the time of filing of
50 the petition and where the child had resided in the home of such non-
51 respondent parent or parents or person or persons prior to the filing
52 and during the pendency of the petition under this article, shall not
53 constitute a release.

54 (b) The court may require the person or persons to whom the child is
55 released under this section to ~~[submit to the jurisdiction of the court]~~
56 cooperate with respect to the child for the period of the disposition or

1 an extension thereof. The order for cooperation may include, but is not
2 limited to, a direction for such person or persons to [~~cooperate in~~
3 ~~making~~] make the child available for court-ordered visitation with
4 respondents, siblings and others and for appointments with [~~and visits~~
5 ~~by the child protective agency, including visits in the home and in per-~~
6 ~~son contact with the child protective agency, social services official~~
7 ~~or duly authorized agency, and for appointments with~~] the child's attor-
8 ney, clinician or other individual or program providing services to the
9 child. The order shall set forth the terms and conditions applicable to
10 such non-respondent [~~and child protective agency, social services offi-~~
11 ~~cial and duly authorized agency~~] person or persons with respect to the
12 child.

13 § 4. This act shall take effect immediately.