

# STATE OF NEW YORK

5998--A

2025-2026 Regular Sessions

## IN SENATE

March 4, 2025

Introduced by Sens. SKOUFIS, ADDABBO, ASHBY, BORRELLO, BROUK, CANZONER-I-FITZPATRICK, CLEARE, COMRIE, COONEY, GALLIVAN, GOUNARDES, HARCKHAM, HINCHEY, HOYLMAN-SIGAL, JACKSON, KRUEGER, MARTINEZ, MARTINS, MATTERA, MAY, MAYER, MURRAY, MYRIE, OBERACKER, O'MARA, PALUMBO, RAMOS, RHOADS, RIVERA, ROLISON, C. RYAN, SCARCELLA-SPANTON, SEPULVEDA, SERRANO, STAVISKY, WEBB, WEBER, WEIK -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary -- reported favorably from said committee and committed to the Committee on Codes -- 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  
10 laws of 2015 and paragraph (a-1) as amended by chapter 295 of the laws  
11 of 2009, are amended to read as follows:  
12 (a) In any action or proceeding brought (1) to annul a marriage or to  
13 declare the nullity of a void marriage, or (2) for a separation, or (3)  
14 for a divorce, or (4) to obtain, by a writ of habeas corpus or by peti-  
15 tion and order to show cause, the custody of or right to visitation with  
16 any child of a marriage, the court shall require verification of the  
17 status of any child of the marriage with respect to such child's custody

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

LBD10304-05-5

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

50 An order directing the payment of child support shall contain the  
51 social security numbers of the named parties. In all cases there shall  
52 be no prima facie right to the custody of the child in either parent.  
53 Such direction shall make provision for child support out of the proper-  
54 ty of either or both parents. The court shall make its award for child  
55 support pursuant to subdivision one-b of this section. Such direction  
56 may provide for reasonable visitation rights to the [~~maternal—and/or~~

1 ~~paternal~~] grandparents of any child of the parties. Such direction as it  
2 applies to rights of visitation with a child remanded or placed in the  
3 care of a person, official, agency or institution pursuant to article  
4 ten of the family court act, or pursuant to an instrument approved under  
5 section three hundred fifty-eight-a of the social services law, shall be  
6 enforceable pursuant to part eight of article ten of the family court  
7 act and sections three hundred fifty-eight-a and three hundred eighty-  
8 four-a of the social services law and other applicable provisions of law  
9 against any person having care and custody, or temporary care and custo-  
10 dy, of the child. Notwithstanding any other provision of law, any writ-  
11 ten application or motion to the court for the establishment, modifica-  
12 tion or enforcement of a child support obligation for persons not in  
13 receipt of public assistance and care [~~must~~] **shall** contain either a  
14 request for child support enforcement services which would authorize the  
15 collection of the support obligation by the immediate issuance of an  
16 income execution for support enforcement as provided for by this chap-  
17 ter, completed in the manner specified in section one hundred eleven-g  
18 of the social services law; or a statement that the applicant has  
19 applied for or is in receipt of such services; or a statement that the  
20 applicant knows of the availability of such services, has declined them  
21 at this time and where support enforcement services pursuant to section  
22 one hundred eleven-g of the social services law have been declined that  
23 the applicant understands that an income deduction order may be issued  
24 pursuant to subdivision (c) of section fifty-two hundred forty-two of  
25 the civil practice law and rules without other child support enforcement  
26 services and that payment of an administrative fee may be required. The  
27 court shall provide a copy of any such request for child support  
28 enforcement services to the support collection unit of the appropriate  
29 social services district any time it directs payments to be made to such  
30 support collection unit. Additionally, the copy of any such request  
31 shall be accompanied by the name, address and social security number of  
32 the parties; the date and place of the parties' marriage; the name and  
33 date of birth of the child or children; and the name and address of the  
34 employers and income payors of the party from whom child support is  
35 sought or from the party ordered to pay child support to the other  
36 party. Such direction may require the payment of a sum or sums of money  
37 either directly to the custodial parent or to third persons for goods or  
38 services furnished for such child, or for both payments to the custodial  
39 parent and to such third persons; provided, however, that unless the  
40 party seeking or receiving child support has applied for or is receiving  
41 such services, the court shall not direct such payments to be made to  
42 the support collection unit, as established in section one hundred  
43 eleven-h of the social services law. Every order directing the payment  
44 of support shall require that if either parent currently, or at any time  
45 in the future, has health insurance benefits available that may be  
46 extended or obtained to cover the child, such parent is required to  
47 exercise the option of additional coverage in favor of such child and  
48 execute and deliver to such person any forms, notices, documents or  
49 instruments necessary to assure timely payment of any health insurance  
50 claims for such child.

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

55 (2) ~~Successive temporary orders of custody or visitation. Prior to the~~  
56 ~~issuance of any successive temporary order of custody or visitation, the~~

~~1 court shall conduct a review of the decisions and reports listed in  
2 subparagraph three of this paragraph, unless such a review has been  
3 conducted within ninety days prior to the issuance of such order.~~

~~4 (3) Decisions and reports for review. The court shall conduct a review  
5 of the following:]~~ Decisions and reports for review. The court shall  
6 conduct a review of the following:

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

10 (ii) reports of the statewide computerized registry of orders of  
11 protection established and maintained pursuant to section two hundred  
12 twenty-one-a of the executive law, and reports of the sex offender  
13 registry established and maintained pursuant to section one hundred  
14 sixty-eight-b of the correction law.

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

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

22 (ii) police reports, including domestic violence incident reports or  
23 reporting of incidents involving child abuse or domestic violence by a  
24 party; and

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

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

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

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

33 (D) sexual abuse or other sexual offenses against the child or the  
34 other party;

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

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

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

40 (H) incidents of violence during pregnancy;

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

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

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

45 (3) Conditions of custody or visitation. After conducting such review  
46 the court may set forth limitations or conditions on a party's custody,  
47 visitation or contact with a child in a temporary order of custody or  
48 visitation.

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

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

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

7 (4) Notifying counsel and issuing orders. Upon consideration of deci-  
8 sions pursuant to article ten of the family court act, and registry  
9 reports and notifying counsel involved in the proceeding, or in the  
10 event of a self-represented party, notifying such party of the results  
11 thereof, including any court appointed attorney for children, the court  
12 may issue a temporary, successive temporary or final order of custody or  
13 visitation.

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

20 (6) After issuing a temporary emergency order. After issuing a tempo-  
21 rary emergency order of custody or visitation, the court shall conduct  
22 reviews of the decisions and reports on registries as required pursuant  
23 to subparagraph [~~three~~] one of this paragraph within twenty-four hours  
24 of the issuance of such temporary emergency order. Should such twenty-  
25 four hour period fall on a day when court is not in session, then the  
26 required reviews shall take place the next day the court is in session.  
27 Upon reviewing decisions and reports the court shall notify associated  
28 counsel, self-represented parties and attorneys for children pursuant to  
29 subparagraph four of this paragraph and may issue temporary or permanent  
30 custody or visitation orders.

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

35 (8) Feasibility study. The commissioner of the office of children and  
36 family services, in conjunction with the office of court administration,  
37 is hereby authorized and directed to examine, study, evaluate and make  
38 recommendations concerning the feasibility of the utilization of comput-  
39 ers in courts which are connected to the statewide central register of  
40 child abuse and maltreatment established and maintained pursuant to  
41 section four hundred twenty-two of the social services law, as a means  
42 of providing courts with information regarding parties requesting orders  
43 of custody or visitation. Such commissioner shall make a preliminary  
44 report to the governor and the legislature of findings, conclusions and  
45 recommendations not later than January first, two thousand nine, and a  
46 final report of findings, conclusions and recommendations not later than  
47 June first, two thousand nine, and shall submit with the reports such  
48 legislative proposals as are deemed necessary to implement the commis-  
49 sioner's recommendations.

50 § 4. The domestic relations law is amended by adding a new section  
51 240-e to read as follows:

52 § 240-e. Custody and visitation; safety of the child. 1. For the  
53 purposes of this section, the following terms shall have the following  
54 meanings:

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

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

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

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

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

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

13 (v) compelling the other party by force, threat of force or intim-  
14 idation, including but not limited to threats based on actual or  
15 suspected immigration status, to engage in conduct from which the other  
16 party has a right to abstain or to abstain from conduct in which the  
17 other party has a right to engage;

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

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

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

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

31 (a) whether any party to the proceeding has committed, or has threat-  
32 ened to commit an act of child abuse against the child, or has committed  
33 or threatened to commit an act of domestic violence against the party  
34 making the allegation, or a family or household member of either party  
35 as such family or household member is defined in article eight of the  
36 family court act;

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

39 (c) police reports, including domestic violence incident reports or  
40 reporting of incidents involving child abuse or domestic violence by a  
41 party;

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

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

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

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

49 (iv) sexual abuse or other sexual offenses against the child or other  
50 party;

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

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

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

56 (viii) incidents of violence during pregnancy;

1 (ix) incidents of stalking or cyber stalking; and  
2 (x) coercive control, as defined in paragraph (b) of subdivision one  
3 of this section;

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

8 (f) whether any party has used or threatened to use a dangerous  
9 instrument to harm the other party, child, or a third party, including a  
10 firearm, except in incidents involving self-defense, or has unlawfully  
11 possessed a weapon or firearm, or has been convicted of criminal  
12 possession of a weapon or criminal use of a firearm pursuant to article  
13 two hundred sixty-five of the penal law, or is or has been subject to an  
14 extreme risk protection order, pursuant to article sixty-three-A of the  
15 civil practice law and rules; and

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

17 3. If the court sets forth limitations or conditions on a party's  
18 custody, visitation or contact with a child, the court shall consider  
19 such limitation or conditions as a significant factor in determining a  
20 temporary order of custody or visitation, sole or joint custody or visi-  
21 tation that is unsupervised or without sufficient protections of the  
22 child's safety to a party against whom such limitations or conditions  
23 apply. Supervision in such cases may also be provided by a relative or  
24 other resource deemed appropriate by the court.

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

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

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

42 5. The chief administrator of the courts shall promulgate comprehen-  
43 sive training on topics necessary to conduct a review of allegations of  
44 domestic violence, child abuse and child neglect to judges, referees,  
45 and other hearing officers presiding over child custody proceedings.  
46 This comprehensive training shall be part of the mandatory annual train-  
47 ing administered by the office of court administration.

48 § 5. Section 70 of the domestic relations law, as amended by chapter  
49 457 of the laws of 1988, is amended to read as follows:

50 § 70. Habeas corpus for child detained by parent. (a) (i) Where a  
51 minor child is residing within this state, either parent may apply to  
52 the supreme court for a writ of habeas corpus to have such minor child  
53 brought before such court; and on the return thereof, the court, on due  
54 consideration, may award the natural guardianship, charge and custody of  
55 such child to either parent for such time, under such regulations and  
56 restrictions, and with such provisions and directions, as the case may

1 require, and may at any time thereafter vacate or modify such order. In  
2 all cases there shall be no prima facie right to the custody of the  
3 child in either parent, but the court shall determine solely what is for  
4 the best interest of the child, and what will best promote its welfare  
5 and happiness, and make award accordingly. Where the court issues any  
6 initial or successive temporary order of custody or visitation or perma-  
7 nent order of custody or visitation, the court shall conduct a review of  
8 the decisions and reports listed in subparagraph two of paragraph (a-1)  
9 of subdivision one of section two hundred forty of this chapter, unless  
10 such a review has been conducted within ninety days prior to the issu-  
11 ance of such order.

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

16 (iii) Notwithstanding any other provision of law to the contrary, a  
17 court making a final determination of custody or visitation based on the  
18 best interests of a child pursuant to the provisions of this chapter  
19 shall prioritize and promote the safety of such child when making such  
20 determinations. Only competent, material and relevant evidence shall be  
21 admitted. Promoting the safety of a child shall include efforts to  
22 prevent physical or emotional harm to such child and shall be assessed  
23 by considering any evidence adduced of a substantial risk to the child's  
24 safety, including decisions and reports identified in subparagraph two  
25 of paragraph (a-1) of subdivision one of section two hundred forty of  
26 this chapter.

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

30 (v) Before judges, referees and other hearing officers preside over  
31 child custody proceedings in which one or more parties have alleged  
32 domestic violence or child abuse, they shall complete initial training  
33 for the handling of such cases as described pursuant to paragraph (a) of  
34 subdivision six of section two hundred forty-e of this chapter and in  
35 accordance with the rules of the chief administrator of the courts. Once  
36 initial training requirements have been met, judges, referees and other  
37 hearing officers shall complete additional training every two years  
38 thereafter to remain eligible to preside over such proceedings as  
39 described pursuant to subdivision five of section two hundred forty-e of  
40 this chapter and in accordance with such rules.

41 (b) Any order under this section which applies to rights of visitation  
42 with a child remanded or placed in the care of a person, official, agen-  
43 cy or institution pursuant to article ten of the family court act or  
44 pursuant to an instrument approved under section three hundred fifty-  
45 eight-a of the social services law, shall be enforceable pursuant to the  
46 provisions of part eight of article ten of such act, sections three  
47 hundred fifty-eight-a and three hundred eighty-four-a of the social  
48 services law and other applicable provisions of law against any person  
49 or official having care and custody, or temporary care and custody, of  
50 such child.

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

54 (b) (i) When initiated in the family court, the family court has  
55 jurisdiction to determine, in accordance with subdivision one of section  
56 two hundred forty of the domestic relations law and with the same powers

1 possessed by the supreme court in addition to its own powers, habeas  
2 corpus proceedings and proceedings brought by petition and order to show  
3 cause, for the determination of the custody or visitation of minors,  
4 including applications by a grandparent or grandparents for visitation  
5 or custody rights pursuant to section seventy-two or two hundred forty  
6 of the domestic relations law.

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

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

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

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

36 ~~3-~~] Decisions and reports for review. The court shall conduct a review  
37 of the following:

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

40 (ii) reports of the statewide computerized registry of orders of  
41 protection established and maintained pursuant to section two hundred  
42 twenty-one-a of the executive law, and reports of the sex offender  
43 registry established and maintained pursuant to section one hundred  
44 sixty-eight-b of the correction law.

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

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

52 (ii) police reports, including domestic violence incident reports, or  
53 reports of incidents involving child abuse or domestic violence by a  
54 party; and

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

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

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

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

9 (D) sexual abuse or other sexual offenses against the child or other  
10 party;

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

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

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

16 (H) incidents of violence during pregnancy;

17 (I) incidents of stalking or cyber stalking;

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

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

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

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

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

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

48 8. Feasibility study. The commissioner of the office of children and  
49 family services, in conjunction with the office of court administration,  
50 is hereby authorized and directed to examine, study, evaluate and make  
51 recommendations concerning the feasibility of the utilization of comput-  
52 ers in family courts which are connected to the statewide central regis-  
53 ter of child abuse and maltreatment established and maintained pursuant  
54 to section four hundred twenty-two of the social services law, as a  
55 means of providing family courts with information regarding parties  
56 requesting orders of custody or visitation. Such commissioner shall make

1 a preliminary report to the governor and the legislature of findings,  
2 conclusions and recommendations not later than January thirty-first, two  
3 thousand nine, and a final report of findings, conclusions and recommen-  
4 dations not later than June first, two thousand nine, and shall submit  
5 with the reports such legislative proposals as are deemed necessary to  
6 implement the commissioner's recommendations.

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

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

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

46 (a) In a proceeding under article three, seven, ten, ten-A or ten-C of  
47 this act or where a revocation of an adoption consent is opposed under  
48 section one hundred fifteen-b of the domestic relations law or in any  
49 proceeding under section three hundred fifty-eight-a, three hundred  
50 eighty-three-c, three hundred eighty-four or three hundred eighty-four-b  
51 of the social services law or when a minor is sought to be placed in  
52 protective custody under section one hundred fifty-eight of this act,  
53 the family court shall appoint an attorney to represent a minor who is  
54 the subject of the proceeding or who is sought to be placed in protec-  
55 tive custody, if independent legal representation is not available to  
56 such minor. In any proceeding to extend or continue the placement of a

1 juvenile delinquent or person in need of supervision pursuant to section  
2 seven hundred fifty-six or 353.3 of this act or any proceeding to extend  
3 or continue a commitment to the custody of the commissioner of mental  
4 health or the commissioner of the office for people with developmental  
5 disabilities pursuant to section 322.2 of this act, the court shall not  
6 permit the respondent to waive the right to be represented by counsel  
7 chosen by the respondent, respondent's parent, or other person legally  
8 responsible for the respondent's care, or by assigned counsel. In any  
9 proceeding under article ten-B of this act, the family court shall  
10 appoint an attorney to represent a youth, under the age of twenty-one,  
11 who is the subject of the proceeding, if independent legal represen-  
12 tation is not available to such youth. In any proceeding under article  
13 six of this act, the court shall appoint an attorney to represent the  
14 child when facially credible allegations of substantial risk to the  
15 child's safety have been made. In any other proceeding in which the  
16 court has jurisdiction, including all proceedings under article six of  
17 this act, the court may appoint an attorney to represent the child,  
18 when, in the opinion of the family court judge, such representation will  
19 serve the purposes of this act, if independent legal counsel is not  
20 available to the child. The family court on its own motion may make such  
21 appointment.

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