

STATE OF NEW YORK

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2025-2026 Regular Sessions

IN ASSEMBLY

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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 -- again reported from said committee with amendments, 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.

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

LBD10304-09-5

§ 3. Paragraphs (a) and (a-1) of subdivision 1 of section 240 of the domestic relations law, paragraph (a) as amended by chapter 567 of the laws of 2015 and paragraph (a-1) as amended by chapter 295 of the laws of 2009, are amended to read as follows:

(a) In any action or proceeding brought (1) to annul a marriage or to declare the nullity of a void marriage, or (2) for a separation, or (3) for a divorce, or (4) to obtain, by a writ of habeas corpus or by petition and order to show cause, the custody of or right to visitation with any child of a marriage, the court shall require verification of the status of any child of the marriage with respect to such child's custody and support, including any prior orders, and shall enter orders for custody and support as, in the court's discretion, justice requires, having regard to the circumstances of the case and of the respective parties and to the best interests of the child and subject to the provisions of subdivision one-c of this section. When the parties first appear in court, the court shall advise the parties before proceeding of the right to be represented by counsel of their own choosing, of the right to an adjournment of no longer than thirty days to confer with counsel, and the right to seek counsel fees and expenses, pursuant to section two hundred thirty-seven of this article. The court shall assign counsel to the eligible parties and children, pursuant to article two of the family court act and subdivisions seven and eight of section thirty-five of the judiciary law.

Where either party to an action concerning custody of or a right to visitation with a child alleges in a sworn petition or complaint or sworn answer, cross-petition, counterclaim or other sworn responsive pleading that the other party has committed an act of domestic violence against the party making the allegation or a family or household member of either party, as such family or household member is defined in article eight of the family court act, and such allegations are proven by a preponderance of the evidence, the court ~~[must]~~ shall consider the effect of such domestic violence upon the best interests of the child, together with such other facts and circumstances as the court deems relevant in making a direction pursuant to this section and state on the record how such findings, facts and circumstances factored into the direction. If a parent makes a good faith allegation based on a reasonable belief supported by facts that the child is the victim of child abuse, child neglect, or the effects of domestic violence, and if that parent acts lawfully and in good faith in response to that reasonable belief to protect the child or seek treatment for the child, then that parent shall not be deprived of custody, visitation or contact with the child, or restricted in custody, visitation or contact, based solely on that belief or the reasonable actions taken based on that belief. If an allegation that a child is abused is supported by a preponderance of the evidence, then the court shall consider such evidence of abuse in determining the visitation arrangement that is in the best interest of the child, and the court shall not place a child in the custody of a parent who presents a substantial risk of harm to that child, and shall state on the record how such findings were factored into the determination. Where a proceeding filed pursuant to article ten or ten-A of the family court act is pending at the same time as a proceeding brought in the supreme court involving the custody of, or right to visitation with, any child of a marriage, the court presiding over the proceeding under article ten or ten-A of the family court act may jointly hear the dispositional hearing on the petition under article ten or the permanency hearing under article ten-A of the family court act and, upon referral from the supreme court, the hearing

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

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

1 exercise the option of additional coverage in favor of such child and
2 execute and deliver to such person any forms, notices, documents or
3 instruments necessary to assure timely payment of any health insurance
4 claims for such child.

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

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

14 ~~(3) Decisions and reports for review. The court shall conduct a review~~
15 ~~of the following:] Decisions and reports for review. Prior to the issu-~~
16 ~~ance of any permanent or temporary order of custody or visitation, the~~
17 ~~court shall conduct a review of the following:~~

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

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

26 (2) Information to review. The court shall consider:

27 (i) any party's history of domestic violence or child abuse or inci-
28 idents involving harm to a child;

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

32 (iii) evidence and prior judicial findings of child abuse or domestic
33 violence including but not limited to:

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

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

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

39 (D) sexual abuse or other sexual offenses against the child or the
40 other party;

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

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

44 (G) any party's pattern of alcohol or substance abuse that threatens
45 the child's safety;

46 (H) incidents of violence during pregnancy;

47 (I) incidents of stalking or cyber stalking;

48 (J) coercive control, as defined in paragraph (b) of subdivision one
49 of section two hundred forty-e of this article; and

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

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

55 (i) If the court sets forth limitations or conditions on a party's
56 custody, visitation or contact with a child the court shall consider

1 such limitation or conditions as a significant factor when determining a
2 temporary order of custody or visitation, sole or joint custody or visi-
3 tation that is unsupervised or without sufficient protections of the
4 child's safety to a party against whom such limitations or conditions
5 apply. Supervision in such cases may also be provided by a relative or
6 other resource deemed appropriate by the court.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(v) compelling the other party by force, threat of force or intimidation, including but not limited to threats based on actual or suspected immigration status, to engage in conduct from which the other party has a right to abstain or to abstain from conduct in which the other party has a right to engage;

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

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

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

2. Notwithstanding any other provision of law to the contrary, before a court makes a final determination of custody or visitation based on the best interests of a child pursuant to the provisions of this chapter, such court shall conduct a review of any allegations of domestic violence or child abuse made by either party against the other party, including, but not limited to:

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

(b) any party's history of domestic violence, child abuse or incidents involving harm to a child;

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

(d) incidents of child abuse or domestic violence, including but not limited to:

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

(ii) use or threats to use a weapon or dangerous instrument, or unlawful possession of firearms;

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

1 (iv) sexual abuse or other sexual offenses against the child or other
2 party;

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

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

6 (vii) any party's pattern of alcohol or substance abuse that threatens
7 the child's safety;

8 (viii) incidents of violence during pregnancy;

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

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

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

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

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

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

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

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

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

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

1 § 5. Section 70 of the domestic relations law, as amended by chapter
2 457 of the laws of 1988, is amended to read as follows:

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

21 (ii) When issuing any temporary order of custody or visitation, or
22 denying an application for a temporary order after conducting a review
23 of allegations of domestic violence or child abuse, the court shall
24 state in writing or on the record the considerations it reviewed to set
25 forth any limitations or conditions placed on a party's custody, visita-
26 tion or contact with such child.

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 conduct a review of any allegations of domestic violence or child
31 abuse made by either party against the other party, pursuant to para-
32 graph (a) of subdivision one of section two hundred forty of this chap-
33 ter. Such review shall include decisions and reports identified in
34 subparagraph two of paragraph (a-1) of subdivision one of section two
35 hundred forty of this chapter.

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

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

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

1 services law and other applicable provisions of law against any person
2 or official having care and custody, or temporary care and custody, of
3 such child.

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

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

16 (ii) The family court shall update its petition used by parties to
17 initiate child custody and visitation proceedings in a manner to permit
18 petitioners to specify allegations of child abuse or domestic violence.

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

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

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

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

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

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

53 3. Information to review. The court shall also consider:

54 (i) any party's history of domestic violence or child abuse or inci-
55 idents involving harm to a child;

1 (ii) police reports, including domestic violence incident reports, or
2 reports of incidents involving child abuse or domestic violence by a
3 party; and

4 (iii) evidence and prior judicial findings of incidents of child abuse
5 or domestic violence including but not limited to:

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

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

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

11 (D) sexual abuse or other sexual offenses against the child or other
12 party;

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

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

16 (G) any party's pattern of alcohol or substance abuse that threatens
17 the child's safety;

18 (H) incidents of violence during pregnancy;

19 (I) incidents of stalking or cyber stalking;

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

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

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

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

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

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

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

1 means of providing family courts with information regarding parties
2 requesting orders of custody or visitation. Such commissioner shall make
3 a preliminary report to the governor and the legislature of findings,
4 conclusions and recommendations not later than January thirty-first, two
5 thousand nine, and a final report of findings, conclusions and recommen-
6 dations not later than June first, two thousand nine, and shall submit
7 with the reports such legislative proposals as are deemed necessary to
8 implement the commissioner's recommendations.

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

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

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

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

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