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 protective proceeding

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

Section 1. Subparagraph (ii) of paragraph (a) of subdivision 2 and subdivision 3 of section 1017 of the family court act, as amended by chapter 567 of the laws of 2015, are amended to read as follows:

(ii) temporarily release the child directly to such non-respondent parent or temporarily place the child with a relative or suitable person pursuant to this article during the pendency of the proceeding or until further order of the court, whichever is earlier and conduct such other and further investigations as the court deems necessary**; provided, however, that retention of the child in the home of a non-respondent parent with whom the child resided prior to the filing of the proceeding under this article shall not constitute a release or placement under this subparagraph**. [~~The~~] **Where such a release or placement occurs, the** court may direct the commissioner of social services, pursuant to regulations of the office of children and family services, to commence an investigation of the home of such non-respondent parent, relative or suitable person within twenty-four hours and to report the results to the court and the parties, including the attorney for the child. If the home of a non-respondent parent, relative or suitable person, is found unqualified as appropriate for the temporary release or placement of the child under this article, the local commissioner shall report such fact and the reasons therefor to the court and the parties, including the attorney for the child, forthwith; or

3. **(a)** An order temporarily [~~releasing a child to a non-respondent parent or parents, or temporarily~~] placing a child with a relative or relatives or other suitable person or persons pursuant to subparagraph (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.

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

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

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

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

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

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

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

an extension thereof. The order **for cooperation** may include, but is not limited to, a direction for such person or persons to [~~cooperate in making~~] **make** the child available for court-ordered visitation with respondents, siblings and others and for appointments with [~~and visits by the child protective agency, including visits in the home and in-person contact with the child protective agency, social services official or duly authorized agency, and for appointments with~~] the child's attorney, clinician or other individual or program providing services to the child. The order shall set forth the terms and conditions applicable to such non-respondent [~~and child protective agency, social services official and duly authorized agency~~] **person or persons** with respect to the child.

§ 4. This act shall take effect immediately.