

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.

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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.

(ii) The court shall state in writing or on the record the considerations it reviewed to set forth conditions of custody or visitation in a temporary order of custody.

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

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

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

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

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

(8) Feasibility study. The commissioner of the office of children and family services, in conjunction with the office of court administration, is hereby authorized and directed to examine, study, evaluate and make recommendations concerning the feasibility of the utilization of computers in courts which are connected to the statewide central register of child abuse and maltreatment established and maintained pursuant to section four hundred twenty-two of the social services law, as a means of providing courts with information regarding parties requesting orders of custody or visitation. Such commissioner shall make a preliminary report to the governor and the legislature of findings, conclusions and recommendations not later than January first, two thousand nine, and a final report of findings, conclusions and recommendations not later than June first, two thousand nine, and shall submit with the reports such legislative proposals as are deemed necessary to implement the commissioner'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 making 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, incidents involving harm to a child or substantial risk to the child's safety;

(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, domestic violence, or substantial risk to the child's safety, 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;

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

(v) unlawful dissemination or publication of an intimate image, pursuant to section 245.15 of the penal law;

(vi) incidents involving obstruction of breathing or strangulation;

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

(viii) incidents of violence during pregnancy;

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

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

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

(g) any other considerations the court deems appropriate.

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

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

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

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

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

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

§ 70. Habeas corpus for child detained by parent. (a) (i) Where a
minor child is residing within this state, either parent may apply to
the supreme court for a writ of habeas corpus to have such minor child
brought before such court; and on the return thereof, the court, on due
consideration, may award the natural guardianship, charge and custody of
such child to either parent for such time, under such regulations and
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

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

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

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

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

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

(E) unlawful dissemination or publication of an intimate image, pursuant to section 245.15 of the penal law;

(F) incidents involving obstruction of breathing or strangulation;

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

(H) incidents of violence during pregnancy;

(I) incidents of stalking or cyber stalking;

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

(K) any other considerations the court deems appropriate.

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

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

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

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

8. Feasibility study. The commissioner of the office of children and family services, in conjunction with the office of court administration, is hereby authorized and directed to examine, study, evaluate and make recommendations concerning the feasibility of the utilization of computers in family courts which are connected to the statewide central register of child abuse and maltreatment established and maintained pursuant to section four hundred twenty-two of the social services law, as a means of providing family courts with information regarding parties 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.