

# STATE OF NEW YORK

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## IN SENATE

March 4, 2025

Introduced by Sens. SKOUFIS, ADDABBO, ASHBY, BORRELLO, BROUK, CANZONER-I-FITZPATRICK, CLEARE, COMRIE, COONEY, FAHY, GALLIVAN, GOUNARDES, HARCKHAM, HELMING, HINCHEY, JACKSON, KRUEGER, LIU, 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 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

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 of  
4 children is of paramount importance and is an integral element of their  
5 best interests. To that end, the legislature finds that judicial deci-  
6 sions regarding custody of, and access to, children shall promote the  
7 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:

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

LBD10304-15-6

1 (a) In any action or proceeding brought (1) to annul a marriage or to  
2 declare the nullity of a void marriage, or (2) for a separation, or (3)  
3 for a divorce, or (4) to obtain, by a writ of habeas corpus or by peti-  
4 tion and order to show cause, the custody of or right to visitation with  
5 any child of a marriage, the court shall require verification of the  
6 status of any child of the marriage with respect to such child's custody  
7 and support, including any prior orders, and shall enter orders for  
8 custody and support as, in the court's discretion, justice requires,  
9 having regard to the circumstances of the case and of the respective  
10 parties and to the best interests of the child and subject to the  
11 provisions of subdivision one-c of this section. When the parties first  
12 appear in court, the court shall advise the parties before proceeding of  
13 the right to be represented by counsel of their own choosing, of the  
14 right to an adjournment of such length as determined by the court to be  
15 necessary to confer with counsel, and the right to seek counsel fees and  
16 expenses, pursuant to section two hundred thirty-seven of this article.  
17 Pursuant to statute, the court may assign counsel to the eligible  
18 parties and to children, including when the assignment of counsel to a  
19 child will serve the purposes of the family court act. Where either  
20 party to an action concerning custody of or a right to visitation with a  
21 child alleges in a sworn petition or complaint or sworn answer, cross-  
22 petition, counterclaim or other sworn responsive pleading that the other  
23 party has committed an act of domestic violence against the party making  
24 the allegation or a family or household member of either party, as such  
25 family or household member is defined in article eight of the family  
26 court act, and such allegations are proven by a preponderance of the  
27 evidence, the court [~~must~~] shall consider the effect of such domestic  
28 violence upon the best interests of the child, together with such other  
29 facts and circumstances as the court deems relevant in making a direc-  
30 tion pursuant to this section and state on the record how such findings,  
31 facts and circumstances factored into the direction. If a parent makes a  
32 good faith allegation based on a reasonable belief supported by facts  
33 that the child is the victim of child abuse, child neglect, or the  
34 effects of domestic violence, and if that parent acts lawfully and in  
35 good faith in response to that reasonable belief to protect the child or  
36 seek treatment for the child, then that parent shall not be deprived of  
37 custody, visitation or contact with the child, or restricted in custody,  
38 visitation or contact, based solely on that belief or the reasonable  
39 actions taken based on that belief. If an allegation that a child is  
40 abused is supported by a preponderance of the evidence, then the court  
41 shall consider such evidence of abuse in determining the visitation  
42 arrangement that is in the best interest of the child, and the court  
43 shall not place a child in the custody of a parent who presents a  
44 substantial risk of harm to that child, and shall state on the record  
45 how such findings were factored into the determination. Where a proceed-  
46 ing filed pursuant to article ten or ten-A of the family court act is  
47 pending at the same time as a proceeding brought in the supreme court  
48 involving the custody of, or right to visitation with, any child of a  
49 marriage, the court presiding over the proceeding under article ten or  
50 ten-A of the family court act may jointly hear the dispositional hearing  
51 on the petition under article ten or the permanency hearing under arti-  
52 cle ten-A of the family court act and, upon referral from the supreme  
53 court, the hearing to resolve the matter of custody or visitation in the  
54 proceeding pending in the supreme court; provided however, the court  
55 [~~must~~] shall determine custody or visitation in accordance with the  
56 terms of this section.

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

1 instruments necessary to assure timely payment of any health insurance  
2 claims for such child.

3 (a-1)(1) [~~Permanent and initial~~] Initial temporary orders of custody  
4 or visitation. Prior to the issuance of any [~~permanent or~~] initial  
5 temporary order of custody or visitation, the court shall conduct a  
6 review of the decisions and reports listed in subparagraph [~~three~~] four  
7 of this paragraph. In the event that either party has made facially  
8 credible allegations of domestic violence, child abuse, or other acts  
9 also posing a substantial risk of harm to the child, the nature of which  
10 warrants the court's immediate attention, the court shall conduct a  
11 review pursuant to subparagraph five of this paragraph.

12 (2) Successive temporary orders of custody or visitation. Prior to the  
13 issuance of any successive temporary order of custody or visitation, the  
14 court shall conduct a review of the decisions and reports listed in  
15 subparagraph [~~three~~] four of this paragraph, unless such a review has  
16 been conducted within ninety days prior to the issuance of such order.  
17 In the event that either party has made facially credible allegations of  
18 domestic violence, child abuse, or other acts also posing a substantial  
19 risk of harm to the child, the nature of which warrants the court's  
20 immediate attention, the court shall conduct a review pursuant to  
21 subparagraph five of this paragraph, unless such a review has been  
22 conducted within ninety days prior to the issuance of such order or the  
23 court determines that such additional review is warranted.

24 (3) Final orders of custody or visitation. Prior to the issuance of  
25 any final orders of custody or visitation, the court shall conduct a  
26 review of the decisions and reports listed in subparagraph four of this  
27 paragraph. In the event that either party has made facially credible  
28 allegations of domestic violence, child abuse, or other acts also posing  
29 a substantial risk of harm to the child, the nature of which warrants  
30 the court's immediate attention, the court shall conduct a review pursu-  
31 ant to subparagraph five of this paragraph.

32 (4) Decisions and reports for review. The court shall conduct a review  
33 of the following:

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

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

42 [~~(4)~~] (5) Evidence to review. As applicable pursuant to subparagraph  
43 one, two, or three of this paragraph, the court shall conduct a review  
44 of competent, material and relevant evidence that is presented to the  
45 court, on notice to the parties and the attorney for the child, if one  
46 has been appointed, including the following; provided, however, that  
47 with respect to temporary orders of custody or visitation, certification  
48 or authentication of a law enforcement record or medical record shall  
49 not be required for the record, or a portion thereof, to be admitted,  
50 and that with respect to successive, temporary orders, certification or  
51 authentication of a law enforcement record or medical record shall be  
52 required for the record or a portion thereof to be admitted unless the  
53 shortness of time or other significant obstacles have prevented the  
54 proponent of the record from obtaining a certified or authenticated  
55 record despite reasonable efforts to do so; and provided, further, that

1 notice to the parties and attorney for the child, if any, may be waived  
2 in the case of an emergency ex parte application for relief:

3 (i) any party's history of domestic violence, child abuse, or other  
4 acts also posing a substantial risk of harm to a child;

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

8 (iii) child safety risk factor incidents committed or engaged in by  
9 any party, including, but not limited to:

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

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

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

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

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

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

20 (G) a recent pattern of alcohol or substance abuse that threatens the  
21 child's safety;

22 (H) incidents of violence during pregnancy;

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

24 (J) coercive control, which shall mean a pattern of behavior that  
25 unreasonably restricts a party's safety or autonomy through means such  
26 as isolation, intimidation, threats, financial control, monitoring, or  
27 compelling compliance;

28 (iv) any rehabilitation by a party as a mitigating factor;

29 (v) the expressed preference of the child, giving due consideration to  
30 the age and maturity of the child; and

31 (vi) any other evidence the court deems necessary for its determi-  
32 nation.

33 (6) Conditions of custody or visitation.

34 (i) The court shall state in writing or on the record the consider-  
35 ations it reviewed to set forth conditions of custody or visitation in a  
36 temporary order of custody or visitation, and the basis therefor.

37 (ii) A determination that a party poses a substantial risk of harm to  
38 the child, the nature of which warrants the court's immediate, attention  
39 shall be a significant factor in determining a temporary order of  
40 custody or visitation, including any limitations on or conditions on a  
41 party's custody, visitation or contact with a child.

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

46 (iv) The court shall state in writing or on the record the consider-  
47 ations it reviewed to set forth conditions of custody or visitation in a  
48 final order of custody or visitation, and the basis therefor.

49 (v) A finding by a preponderance of the evidence that a party poses a  
50 substantial risk of harm to the child shall be a significant factor in  
51 determining a final order of custody or visitation, including any limi-  
52 tations on or conditions on a party's custody, visitation or contact  
53 with a child.

54 (7) (i) In any proceeding for custody or visitation where a party  
55 asserts facially credible allegations of domestic violence, child abuse,  
56 or other acts that also pose a substantial risk of harm to the child,

1 the court shall not find that reasonable protective behaviors to safe-  
2 guard the child which were engaged in by the party who has made such  
3 allegations, standing alone, constitute failure to support the child's  
4 relationship with the other party.

5 (ii) The court shall not presume that a child's reluctance to interact  
6 with a party was caused by the other party, nor shall a party be given  
7 custody for the sole purpose either of improving a relationship between  
8 the child and such party or in an attempt to address the child's reluc-  
9 tance to interact with such party. Where appropriate, however, the court  
10 may enter an order directing one or more parties to refrain from dispar-  
11 aging the other party or parties in the presence of the child or chil-  
12 dren.

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

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

25 [~~5~~] (9) Temporary emergency order. Notwithstanding any other  
26 provision of the law, upon emergency situations, including computer  
27 malfunctions, to serve the best interest of the child, the court may  
28 issue a temporary emergency order for custody or visitation in the event  
29 that it is not possible to timely review decisions and reports on regis-  
30 tries as required pursuant to subparagraph [~~three~~] four of this para-  
31 graph.

32 [~~6~~] (10) After issuing a temporary emergency order. After issuing a  
33 temporary emergency order of custody or visitation, the court shall  
34 conduct reviews of the decisions and reports on registries as required  
35 pursuant to subparagraph [~~three~~] four of this paragraph within twenty-  
36 four hours of the issuance of such temporary emergency order. Should  
37 such twenty-four hour period fall on a day when court is not in session,  
38 then the required reviews shall take place the next day the court is in  
39 session. Upon reviewing decisions and reports the court shall notify  
40 associated counsel, self-represented parties and attorneys for children  
41 pursuant to subparagraph [~~four~~] eight of this paragraph and may issue  
42 temporary or permanent custody or visitation orders.

43 [~~7~~] (11) Comprehensive training. The chief administrator of the  
44 courts shall present or arrange access to comprehensive training on  
45 topics necessary to conduct a review of allegations of domestic  
46 violence, child abuse and other acts posing a substantial risk to a  
47 child's safety, which shall be mandatory for judges, referees, and  
48 other hearing officers presiding over child custody proceedings and  
49 shall present or arrange training on such topics every two years there-  
50 after.

51 (12) Feasibility study. The commissioner of the office of children and  
52 family services, in conjunction with the office of court administration,  
53 is hereby authorized and directed to examine, study, evaluate and make  
54 recommendations concerning the feasibility of the utilization of comput-  
55 ers in courts which are connected to the statewide central register of  
56 child abuse and maltreatment established and maintained pursuant to

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

10 § 4. Section 70 of the domestic relations law, as amended by chapter  
11 457 of the laws of 1988, is amended to read as follows:

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

31 (ii) When issuing any temporary order of custody or visitation, or  
32 denying an application for a temporary order after evidence has been  
33 presented to the court regarding allegations of domestic violence, child  
34 abuse, or other acts also posing a substantial risk of harm to the  
35 child, the nature of which warrants the court's immediate attention,  
36 pursuant to subparagraph one of paragraph (a-1) of subdivision one of  
37 section two hundred forty of this chapter the court shall state in writ-  
38 ing or on the record the considerations it reviewed and the findings  
39 supporting the decision to set forth any limitations or conditions  
40 placed on a party's custody, visitation or contact with such child.

41 (iii) When issuing a final order of custody or visitation, or denying  
42 an application for a temporary order after evidence has been presented  
43 to the court regarding allegations of domestic violence, child abuse, or  
44 other acts also posing a substantial risk of harm to the child, pursuant  
45 to subparagraph three of paragraph (a-1) of subdivision one of section  
46 two hundred forty of this chapter, the court shall state in writing or  
47 on the record the considerations it reviewed and the findings supporting  
48 the decision to set forth any limitations or conditions placed on a  
49 party's custody, visitation or contact with such child.

50 (iv) Judges, referees and other hearing officers presiding over child  
51 custody proceedings shall receive training in accordance with section  
52 two hundred forty of this chapter.

53 (b) Any order under this section which applies to rights of visitation  
54 with a child remanded or placed in the care of a person, official, agen-  
55 cy or institution pursuant to article ten of the family court act or  
56 pursuant to an instrument approved under section three hundred fifty-

1 eight-a of the social services law, shall be enforceable pursuant to the  
2 provisions of part eight of article ten of such act, sections three  
3 hundred fifty-eight-a and three hundred eighty-four-a of the social  
4 services law and other applicable provisions of law against any person  
5 or official having care and custody, or temporary care and custody, of  
6 such child.

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

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

19 (ii) The family court shall update its petition used by parties to  
20 initiate child custody and visitation proceedings in a manner to permit  
21 petitioners to specify allegations of child abuse, domestic violence or  
22 other acts also posing a substantial risk of harm to the child, the  
23 nature of which warrants the court's immediate attention.

24 § 6. Subdivision (e) of section 651 of the family court act, as  
25 amended by chapter 295 of the laws of 2009, is amended to read as  
26 follows:

27 (e) 1. [~~Permanent and initial~~] Initial temporary orders of custody or  
28 visitation. Prior to the issuance of any [~~permanent or~~] initial tempo-  
29 rary order of custody or visitation, the court shall conduct a review of  
30 the decisions and reports listed in paragraph [~~three~~] four of this  
31 subdivision. In the event that facially credible allegations of domestic  
32 violence, child abuse or other acts also posing a substantial risk of  
33 harm to the child, the nature of which warrants the court's immediate  
34 attention, have been made by either party to an action concerning custo-  
35 dy of or a right to visitation with a child against the other party,  
36 pursuant to paragraph (a-1) of subdivision one of section two hundred  
37 forty of the domestic relations law, the court shall conduct a review  
38 pursuant to paragraph five of this subdivision. When the parties first  
39 appear in court, the court shall advise the parties before proceeding of  
40 the right to be represented by counsel of their own choosing, of the  
41 right to have an adjournment of such length as determined by the court  
42 to be necessary to confer with counsel, and the right to seek counsel  
43 fees and expenses, pursuant to section two hundred thirty-seven of the  
44 domestic relations law. Pursuant to statute, the court may assign coun-  
45 sel to the eligible parties and to children, including when the assign-  
46 ment of counsel to a child is appropriate to serve the purposes of this  
47 act.

48 2. Successive temporary orders of custody or visitation. Prior to the  
49 issuance of any successive temporary order of custody or visitation, the  
50 court shall conduct a review of the decisions and reports listed in  
51 paragraph [~~three~~] four of this subdivision, unless such a review has  
52 been conducted within ninety days prior to the issuance of such order.  
53 In the event that either party has made allegations of domestic  
54 violence, child abuse, or other acts also posing a substantial risk of  
55 harm to the child, the nature of which warrants the court's immediate  
56 attention, the court shall conduct a review pursuant to paragraph five

1 of this subdivision, unless such a review has been conducted within  
2 ninety days prior to the issuance of such order or the court determines  
3 that such additional review is warranted.

4 3. Final orders of custody or visitation. Prior to the issuance of any  
5 final orders of custody or visitation, the court shall conduct a review  
6 of the decisions and reports listed in paragraph four of this paragraph.  
7 In the event that either party has made facially credible allegations of  
8 domestic violence, child abuse, or other acts also posing a substantial  
9 risk of harm to the child, the nature of which warrants the court's  
10 immediate attention, the court shall conduct a review pursuant to para-  
11 graph five of this paragraph.

12 4. Decisions and reports for review. The court shall conduct a review  
13 of the following:

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

16 (ii) reports of the statewide computerized registry of orders of  
17 protection established and maintained pursuant to section two hundred  
18 twenty-one-a of the executive law, and reports of the sex offender  
19 registry established and maintained pursuant to section one hundred  
20 sixty-eight-b of the correction law.

21 [~~4~~] 5. Evidence to review. As applicable pursuant to paragraph one,  
22 two, or three of this subdivision, the court shall also conduct a review  
23 of competent, material and relevant evidence that is presented to the  
24 court on notice to the parties and the attorney for the child, if one  
25 has been appointed, including the following; provided however, that with  
26 respect to temporary, emergency orders of custody or visitation, certif-  
27 ication or authentication of a law enforcement record or medical  
28 record shall not be required for the record, or portion thereof, to be  
29 admitted, and that with respect to successive, temporary orders, certif-  
30 ication or authentication of a law enforcement record or medical record  
31 shall be required for the record or a portion thereof to be admitted  
32 unless the shortness of time or other significant obstacles have  
33 prevented the proponent of the record from obtaining a certified or  
34 authenticated record despite reasonable efforts to do so; and provided,  
35 further, that notice to the parties and attorney for the child, if any,  
36 may be waived in the case of an emergency, ex parte application for  
37 relief:

38 (i) any party's history of domestic violence, child abuse or other  
39 acts also posing a substantial risk of harm to a child;

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

43 (iii) child safety risk factor incidents committed or engaged in by  
44 any party, including but not limited to:

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

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

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

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

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

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

55 (G) a recent pattern of alcohol or substance abuse that threatens the  
56 child's safety;

1 (H) incidents of violence during pregnancy;  
2 (I) incidents of stalking or cyber stalking; and  
3 (J) coercive control, which shall mean a pattern of behavior that  
4 unreasonably restricts a party's safety or autonomy through means such  
5 as isolation, intimidation, threats, financial control, monitoring, or  
6 compelling compliance;  
7 (iv) any rehabilitation by a party as a mitigating factor;  
8 (v) the expressed preference of the child, giving due consideration to  
9 the age and maturity of the child; and  
10 (vi) any other considerations the court deems necessary for its deter-  
11 mination.

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

18 [~~5-~~] 7. Temporary emergency order. Notwithstanding any other provision  
19 of the law, upon emergency situations, including computer malfunctions,  
20 to serve the best interest of the child, the court may issue a temporary  
21 emergency order for custody or visitation in the event that it is not  
22 possible to timely review decisions and reports on registries as  
23 required pursuant to paragraph [~~three~~] four of this subdivision.

24 [~~6-~~] 8. After issuing a temporary emergency order. After issuing a  
25 temporary emergency order of custody or visitation, the court shall  
26 conduct reviews of the decisions and reports on registries as required  
27 pursuant to paragraph [~~three~~] four of this subdivision within twenty-  
28 four hours of the issuance of such temporary emergency order. Should  
29 such twenty-four hour period fall on a day when court is not in session,  
30 then the required reviews shall take place the next day the court is in  
31 session. Upon reviewing decisions and reports the court shall notify  
32 associated counsel, self-represented parties and attorneys for children  
33 pursuant to paragraph [~~four~~] six of this subdivision and may issue  
34 temporary or permanent custody or visitation orders.

35 [~~7-~~] 9. Feasibility study. The commissioner of the office of children  
36 and family services, in conjunction with the office of court adminis-  
37 tration, is hereby authorized and directed to examine, study, evaluate  
38 and make recommendations concerning the feasibility of the utilization  
39 of computers in family courts which are connected to the statewide  
40 central register of child abuse and maltreatment established and main-  
41 tained pursuant to section four hundred twenty-two of the social  
42 services law, as a means of providing family courts with information  
43 regarding parties requesting orders of custody or visitation. Such  
44 commissioner shall make a preliminary report to the governor and the  
45 legislature of findings, conclusions and recommendations not later than  
46 January thirty-first, two thousand nine, and a final report of findings,  
47 conclusions and recommendations not later than June first, two thousand  
48 nine, and shall submit with the reports such legislative proposals as  
49 are deemed necessary to implement the commissioner's recommendations.

50 § 7. This act shall take effect on the two hundred seventieth day  
51 after it shall have become a law. Effective immediately, the addition,  
52 amendment and/or repeal of any rule or regulation necessary for the  
53 implementation of this act on its effective date are authorized to be  
54 made and completed on or before such effective date.