STATE OF NEW YORK

8035

2025-2026 Regular Sessions

IN SENATE

May 15, 2025

Introduced by Sen. SKOUFIS -- 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, the criminal procedure law, and the domestic relations law, in relation to authorizing courts, upon issuance of an order of protection, to order exclusive care, custody, and control of certain companion animals be granted to the petitioner

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

Section 1. The opening paragraph of subdivision 1 of section 812 of the family court act, as amended by chapter 541 of the laws of 2024, is amended to read as follows:

The family court and the criminal courts shall have concurrent jurisdiction over any proceeding concerning acts which would constitute disorderly conduct, unlawful dissemination or publication of an intimate image, harassment in the first degree, harassment in the second degree, aggravated harassment in the second degree, sexual misconduct, forcible touching, sexual abuse in the third degree, sexual abuse in the second degree as set forth in subdivision one of section 130.60 of the penal law, stalking in the first degree, stalking in the second degree, stalking in the third degree, stalking in the fourth degree, criminal mischief, menacing in the second degree, menacing in the third degree, reckless endangerment, criminal obstruction of breathing or blood circulation, strangulation in the second degree, strangulation in the first degree, assault in the second degree, assault in the third degree, an attempted assault, identity theft in the first degree, identity theft in the second degree, identity theft in the third degree, grand larceny in the fourth degree, grand larceny in the third degree, coercion in the second degree or coercion in the third degree as set forth in subdivisions one, two and three of section 135.60 of the penal law between spouses or former spouses, or between parent and child or between members of the same family or household except that if the respondent

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

LBD13066-01-5

would not be criminally responsible by reason of age pursuant to section 30.00 of the penal law, then the family court shall have exclusive jurisdiction over such proceeding. **The family court and the criminal courts shall also have concurrent jurisdiction over any proceeding concerning acts which would constitute animal cruelty as set forth in section three hundred fifty-three of the agriculture and markets law, aggravated animal cruelty as set forth in section three hundred fifty-three-a of the agriculture and markets law, or sexual misconduct with an animal as set forth in subdivision four of section 130.20 of the penal law when perpetrated against an animal owned, possessed, or residing with a spouse or former spouse of the respondent, a child of the respondent, or a member of the same family or household as the respondent.** Notwithstanding a complainant's election to proceed in family court, the criminal court shall not be divested of jurisdiction to hear a family offense proceeding pursuant to this section. In any proceeding pursuant to this article, a court shall not deny an order of protection, or dismiss a petition, solely on the basis that the acts or events alleged are not relatively contemporaneous with the date of the petition, the conclusion of the fact-finding or the conclusion of the dispositional hearing. For purposes of this article, "disorderly conduct" includes disorderly conduct not in a public place. For purposes of this article, "members of the same family or household" shall mean the following:

§ 2. Paragraph (a) of subdivision 1 of section 821 of the family court act, as amended by section 6 of part NN of chapter 55 of the laws of 2018, is amended to read as follows:

(a) An allegation that the respondent assaulted or attempted to assault [~~his or her~~] **such respondent's** spouse, or former spouse, parent, child or other member of the same family or household or engaged in disorderly conduct, harassment, sexual misconduct, forcible touching, sexual abuse in the third degree, sexual abuse in the second degree as set forth in subdivision one of section 130.60 of the penal law, stalking, criminal mischief, menacing, reckless endangerment, criminal obstruction of breathing or blood circulation, strangulation, identity theft in the first degree, identity theft in the second degree, identity theft in the third degree, grand larceny in the fourth degree, grand larceny in the third degree, coercion in the second degree or coercion in the third degree as set forth in subdivisions one, two and three of section 135.60 of the penal law, toward any such person**, or an allegation the respondent perpetrated animal cruelty as set forth in section three hundred fifty-three of the agriculture and markets law, aggravated animal cruelty as set forth in section three hundred fifty-three-a of the agriculture and markets law, or sexual misconduct with an animal as set forth in subdivision four of section 130.20 of the penal law against an animal owned, possessed, or residing with a spouse or former spouse of the respondent, a child of the respondent, or a member of the same family or household as the respondent**;

§ 3. Subparagraph 6 of paragraph (a) of subdivision 1 of 530.12 of the criminal procedure law, as amended by chapter 526 of the laws of 2013, is amended to read as follows:

(6) (A) **to grant the petitioner the exclusive care, custody, or control of any companion animal owned, possessed, leased, kept, or held by either the petitioner or the respondent or a minor child residing in the residence or household of either the petitioner or the respondent and order the respondent to stay away from the companion animal and**

forbid the respondent from taking, transferring, encumbering, concealing, harming, or otherwise disposing of the companion animal.

(B) to refrain from intentionally injuring or killing, without justification, any companion animal the defendant knows to be owned, possessed, leased, kept or held by the victim or a minor child residing in the household.

[~~(B)~~] (C) "Companion animal", as used in this section, shall have the same meaning as in subdivision five of section three hundred fifty of the agriculture and markets law;

§ 4. Subdivision (h) of section 446 of the family court act, as amended by chapter 526 of the laws of 2013, is amended to read as follows:

(h) 1. to grant the petitioner the exclusive care, custody, or control of any companion animal owned, possessed, leased, kept, or held by either the petitioner or the respondent or a minor child residing in the residence or household of either the petitioner or the respondent and order the respondent to stay away from the companion animal and forbid the respondent from taking, transferring, encumbering, concealing, harming, or otherwise disposing of the companion animal.

2. to refrain from intentionally injuring or killing, without justification, any companion animal the respondent knows to be owned, possessed, leased, kept or held by the person protected by the order or a minor child residing in such person's household.

[~~2.~~] 3. "Companion animal", as used in this section, shall have the same meaning as in subdivision five of section three hundred fifty of the agriculture and markets law;

§ 5. Subdivision (i) of section 551 of the family court act, as amended by chapter 526 of the laws of 2013, is amended to read as follows:

(i) 1. to grant the petitioner the exclusive care, custody, or control of any companion animal owned, possessed, leased, kept, or held by either the petitioner or the respondent or a minor child residing in the residence or household of either the petitioner or the respondent and order the respondent to stay away from the companion animal and forbid the respondent from taking, transferring, encumbering, concealing, harming, or otherwise disposing of the companion animal.

2. to refrain from intentionally injuring or killing, without justification, any companion animal the respondent knows to be owned, possessed, leased, kept or held by the person protected by the order or a minor child residing in such person's household.

[~~2.~~] 3. "Companion animal", as used in this section, shall have the same meaning as in subdivision five of section three hundred fifty of the agriculture and markets law;

§ 6. Subdivision (i) of section 656 of the family court act, as amended by chapter 526 of the laws of 2013, is amended to read as follows:

(i) 1. to grant the petitioner the exclusive care, custody, or control of any companion animal owned, possessed, leased, kept, or held by either the petitioner or the respondent or a minor child residing in the residence or household of either the petitioner or the respondent and order the respondent to stay away from the companion animal and forbid the respondent from taking, transferring, encumbering, concealing, harming, or otherwise disposing of the companion animal.

2. to refrain from intentionally injuring or killing, without justification, any companion animal the respondent knows to be owned,

possessed, leased, kept or held by the petitioner or a minor child residing in the household.

[~~2.~~] **3.** "Companion animal", as used in this section, shall have the same meaning as in subdivision five of section three hundred fifty of the agriculture and markets law;

§ 7. Subdivision (i) of section 842 of the family court act, as amended by chapter 335 of the laws of 2019, is amended to read as follows:

(i) 1. **to grant the petitioner the exclusive care, custody, or control of any companion animal owned, possessed, leased, kept, or held by either the petitioner or the respondent or a minor child residing in the residence or household of either the petitioner or the respondent and order the respondent to stay away from the companion animal and forbid the respondent from taking, transferring, encumbering, concealing, harming, or otherwise disposing of the companion animal.**

2. to refrain from intentionally injuring or killing, without justification, any companion animal the respondent knows to be owned, possessed, leased, kept or held by the petitioner or a minor child residing in the household.

[~~2.~~] **3.** "Companion animal", as used in this section, shall have the same meaning as in subdivision five of section three hundred fifty of the agriculture and markets law;

§ 8. Paragraph (g) of subdivision 1 of section 1056 of the family court act, as amended by chapter 526 of the laws of 2013, is amended to read as follows:

(g) 1. **to grant the petitioner the exclusive care, custody, or control of any companion animal owned, possessed, leased, kept, or held by either the petitioner or the respondent or a minor child residing in the residence or household of either the petitioner or the respondent and order the respondent to stay away from the companion animal and forbid the respondent from taking, transferring, encumbering, concealing, harming, or otherwise disposing of the companion animal.**

2. to refrain from intentionally injuring or killing, without justification, any companion animal the respondent knows to be owned, possessed, leased, kept or held by the person protected by the order or a minor child residing in such person's household.

[~~2.~~] **3.** "Companion animal", as used in this section, shall have the same meaning as in subdivision five of section three hundred fifty of the agriculture and markets law;

§ 9. Subparagraph 7 of paragraph a of subdivision 3 of section 240 of the domestic relations law, as amended by chapter 526 of the laws of 2013, is amended to read as follows:

(7) **(i) to grant the petitioner the exclusive care, custody, or control of any companion animal owned, possessed, leased, kept, or held by either the petitioner or the respondent or a minor child residing in the residence or household of either the petitioner or the respondent and order the respondent to stay away from the companion animal and forbid the respondent from taking, transferring, encumbering, concealing, harming, or otherwise disposing of the companion animal.**

(ii) to refrain from intentionally injuring or killing, without justification, any companion animal the respondent knows to be owned, possessed, leased, kept or held by the person protected by the order or a minor child residing in such person's household.

(iii) "Companion animal," as used in this section, shall have the same meaning as in subdivision five of section three hundred fifty of the agriculture and markets law;

§ 10. Paragraph (g) of subdivision 1 of section 252 of the domestic relations law, as amended by chapter 526 of the laws of 2013, is amended to read as follows:

(g) **(1) to grant the petitioner the exclusive care, custody, or control of any companion animal owned, possessed, leased, kept, or held by either the petitioner or the respondent or a minor child residing in the residence or household of either the petitioner or the respondent and order the respondent to stay away from the companion animal and forbid the respondent from taking, transferring, encumbering, concealing, harming, or otherwise disposing of the companion animal.**

(2) to refrain from intentionally injuring or killing, without justification, any companion animal the respondent knows to be owned, possessed, leased, kept or held by the person protected by the order or a minor child residing in such person's household.

(3) "Companion animal," as used in this section, shall have the same meaning as in subdivision five of section three hundred fifty of the agriculture and markets law;

§ 11. The opening paragraph of subdivision 1 of section 530.11 of the criminal procedure law, as amended by chapter 541 of the laws of 2024, is amended to read as follows:

The family court and the criminal courts shall have concurrent jurisdiction over any proceeding concerning acts which would constitute disorderly conduct, unlawful dissemination or publication of an intimate image, harassment in the first degree, harassment in the second degree, aggravated harassment in the second degree, sexual misconduct, forcible touching, sexual abuse in the third degree, sexual abuse in the second degree as set forth in subdivision one of section 130.60 of the penal law, stalking in the first degree, stalking in the second degree, stalking in the third degree, stalking in the fourth degree, criminal mischief, menacing in the second degree, menacing in the third degree, reckless endangerment, strangulation in the first degree, strangulation in the second degree, criminal obstruction of breathing or blood circulation, assault in the second degree, assault in the third degree, an attempted assault, identity theft in the first degree, identity theft in the second degree, identity theft in the third degree, grand larceny in the fourth degree, grand larceny in the third degree, coercion in the second degree or coercion in the third degree as set forth in subdivisions one, two and three of section 135.60 of the penal law between spouses or former spouses, or between parent and child or between members of the same family or household except that if the respondent would not be criminally responsible by reason of age pursuant to section 30.00 of the penal law, then the family court shall have exclusive jurisdiction over such proceeding. **The family court and the criminal courts shall also have concurrent jurisdiction over any proceeding concerning acts which would constitute animal cruelty as set forth in section three hundred fifty-three of the agriculture and markets law, aggravated animal cruelty as set forth in section three hundred fifty-three-a of the agriculture and markets law, or sexual misconduct with an animal as set forth in subdivision four of section 130.20 of the penal law when perpetrated against an animal owned, possessed, or residing with a spouse or former spouse of the respondent, a child of the respondent, or a member of the same family or household as the respondent.** Notwithstanding a complainant's election to proceed in family court, the criminal court shall not be divested of jurisdiction to hear a family offense proceeding pursuant to this section. For purposes of this section, "disorderly conduct" includes disorderly conduct not in a

public place. For purposes of this section, "members of the same family or household" with respect to a proceeding in the criminal courts shall mean the following:

§ 12. This act shall take effect immediately.