STATE OF NEW YORK

8633

2025-2026 Regular Sessions

IN SENATE

December 29, 2025

Introduced by Sen. MAY -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the family court act, the criminal procedure law, the judiciary law, the general obligations law and the domestic relations law, in relation to coercive control

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 *coercive control as defined by section eight hundred nineteen of this act,* 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.

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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. 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. 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 **coercive control as defined by section eight hundred nineteen of the family court act,** 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. 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:

§ 3. Section 154-c of the family court act is amended by adding a new subdivision 4 to read as follows:

4. Coercive control. The court may issue an order of protection upon a finding of coercive control, as defined by section eight hundred nineteen of this act, based on a preponderance of the evidence. The court shall update any forms used for the purpose of requesting an order of protection to include coercive control as a basis for an order of protection. Continued coercive control engaged in after the issuance of an order of protection may serve as evidence supporting a finding of contempt in accordance with the penal law.

§ 4. The judiciary law is amended by adding a new section 39-c to read as follows:

§ 39-c. Coercive control training. 1. For the purposes of this section, "coercive control" shall have the same meaning as such term is defined by section eight hundred nineteen of the family court act.

2. (a) The office of court administration, in consultation with the office for the prevention of domestic violence, shall develop and administer mandatory training for judges and court clerks on coercive control.

(b) Such training shall cover:

(i) the statutory definition of coercive control;

(ii) patterns of conduct;

(iii) evidentiary considerations;

(iv) application in order of protection proceedings;

(v) survivor safety; and

(vi) the impact on children and implications for custody and visitation.

(c) Judges and relevant court personnel shall be required to participate in refresher training at least once every five years.

(d) The office of court administration shall be authorized to prepare bench cards, guidance, and forms to support the implementation of such training.

§ 5. The domestic relations law is amended by adding a new section 256 to read as follows:

§ 256. Coercive control. 1. For the purposes of this section, "coercive control" shall have the same meaning as such term is defined by section eight hundred nineteen of the family court act.

2. The court may issue an order of protection upon a finding of coercive control, based on a preponderance of the evidence. The court shall update any forms used for the purpose of requesting an order of protection to include coercive control as a basis for an order of protection.

3. The order of protection may protect the petitioner and any minor child of the marriage or a minor child residing in such petitioner's household.

§ 6. Section 1.20 of the criminal procedure law is amended by adding a new subdivision 46 to read as follows:

46. "Coercive control" means coercive control defined by section eight hundred nineteen of the family court act.

§ 7. The family court act is amended by adding a new section 819 to read as follows:

§ 819. Coercive control. 1. As used in this chapter, the term "coercive control" shall mean a pattern of behavior used to dominate, intimidate, or subordinate another person that, in purpose or effect, unreasonably and capriciously interferes with that person's free will, personal liberty, or autonomy. Coercive control shall include, but shall not be limited to:

(a) isolating the person from friends, relatives, or other sources of support;

(b) controlling, monitoring, or restricting movements, communications, or access to services;

(c) regulating or monitoring economic resources, controlling access to money, employment, or credit;

(d) restricting or interfering with access to housing, transportation, health care, or employment;

(e) threatening, intimidating, or harassing conduct designed to instill fear or compliance;

(f) monitoring, controlling, or misusing digital devices, accounts, or online activity;

(g) misusing legal or administrative processes to harass or intimidate; and

(h) repeated verbal degradation, humiliation, or intimidation.

2. Coercive control shall not include reasonable actions taken to protect a person's safety, welfare, or care, or the reasonable exercise of lawful authority.

§ 8. The opening paragraph of paragraph (a) of subdivision 1 of section 240 of the domestic relations law, as amended by chapter 567 of the laws of 2015, is amended to read as follows:

In any action or proceeding brought (1) to annul a marriage or to declare the nullity of a void marriage, or (2) for a separation, or (3) for a divorce, or (4) to obtain, by a writ of habeas corpus or by petition and order to show cause, the custody of or right to visitation with any child of a marriage, the court shall require verification of the status of any child of the marriage with respect to such child's custody and support, including any prior orders, and shall enter orders for custody and support as, in the court's discretion, justice requires, having regard to the circumstances of the case and of the respective parties and to the best interests of the child and subject to the provisions of subdivision one-c of this section. Where either party to an action concerning custody of or a right to visitation with a child alleges in a sworn petition or complaint or sworn answer, cross-petition, counterclaim or other sworn responsive pleading that the other party has committed an act of domestic violence or coercive control, as defined by section eight hundred nineteen of the family court act, against the party making the allegation or a family or household member of either party, as such family or household member is defined in article eight of the family court act, and such allegations are proven by a preponderance of the evidence, the court must consider the effect of such domestic violence or coercive control upon the best interests of the child, together with such other facts and circumstances as the court deems relevant in making a direction pursuant to this section and state on the record how such findings, facts and circumstances factored into the direction. If a parent makes a good faith allegation based on a reasonable belief supported by facts that the child is the victim of child abuse, child neglect, or the effects of domestic violence, and if that parent acts lawfully and in good faith in response to that reasonable belief to protect the child or seek treatment for the child, then that parent shall not be deprived of custody, visitation or contact with the child, or restricted in custody, visitation or contact, based solely on that belief or the reasonable actions taken based on that belief. If an allegation that a child is abused is supported by a preponderance of the evidence, then the court shall consider such evidence of abuse in determining the visitation arrangement that is in the best interest of the child, and the court shall not place a child in the custody of a parent who presents a substantial risk of harm to that child, and shall state on the record how such findings were factored into the determination. Where a proceeding filed pursuant to article ten or ten-A of the family court act is pending at the same time as a proceeding brought in the supreme court involving the custody of, or right to visitation with, any child of a marriage, the court presiding over the proceeding under article ten or ten-A of the family court act may jointly hear the dispo-

sitional hearing on the petition under article ten or the permanency hearing under article ten-A of the family court act and, upon referral from the supreme court, the hearing to resolve the matter of custody or visitation in the proceeding pending in the supreme court; provided however, the court must determine custody or visitation in accordance with the terms of this section.

§ 9. The general obligations law is amended by adding a new article 4 to read as follows:

ARTICLE 4

RIGHT OF ACTION FOR COERCIVE CONTROL

Section 4-101. Definitions.

4-102. Right of action for coercive control.

§ 4-101. Definitions. As used in this article, the term "coercive control" shall have the same meaning as such term is defined by section eight hundred nineteen of the family court act.

§ 4-102. Right of action for coercive control. 1. In addition to any other remedy provided by law, any person subjected to coercive control shall have a cause of action against the person who engaged in such conduct. An action or proceeding under this article shall be commenced in the supreme court of the county in which the act or acts allegedly occurred or in which any party resides.

2. A plaintiff may recover damages, including but not limited to:

(a) compensatory damages for economic loss and out-of-pocket costs;

(b) damages for emotional distress;

(c) punitive damages where appropriate; and

(d) reasonable attorney's fees and costs.

3. No action shall lie under this section based solely on conduct that constitutes the reasonable exercise of parental authority or supervision.

4. The remedies provided by this section are in addition to, and shall not preclude, any other remedies or causes of action available under law, including orders of protection.

5. An action under this section shall be commenced within six years from the last act of coercive control forming the basis of the action.

6. In any action brought pursuant to this section, the court may order such equitable relief as it deems just and proper, including but not limited to injunctions, declaratory relief, and orders restraining the defendant from continuing coercive control.

7. The protections of this section shall not be waived by any agreement, contract, or other private arrangement, and any purported waiver shall be void as against public policy.

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