

A.7329
S.4877

M. of A. Weinstein
Senator DeFrancisco

AN ACT to amend the domestic relations law and the family court act, in relation to the issuance of orders of custody and visitation

THIS BILL IS APPROVED

The New York State Legislature has proposed a bill which would amend the domestic relations law (DRL) and family court act (FCA) to require a court, prior to issuing any order of custody and/or visitation, to review child abuse and maltreatment, orders of protection, warrants of arrest and sex offender registries. The Domestic Violence Committee supports A.7329/S.4877 and encourages both Houses to pass this legislation.

This legislation will protect victims of domestic violence and their children. The bills are consistent with current laws and will also provide necessary information to judges as they consider domestic violence allegations in all custody and visitation proceedings as required by the domestic relations law and family court act. DRL §240(1); FCA §651. When the legislature decided to require that judges consider domestic violence in custody and visitation proceedings it found:

“The legislature finds and declares that there has been a growing recognition across the country that domestic violence should be a weighty consideration in custody and visitation cases.” Ch. 85 of the Laws of 1996, Section 1, amending New York’s Domestic Relations Law Section 240.

The pending legislation would support the legislative intent expressed when amending DRL §240 and allow judges to gather all relevant information about domestic violence and incorporate this information into their custody and visitation decisions.

Without access to the registries, which provide information regarding incidents of violence, judges make these sometimes life-changing decisions without knowledge of all the relevant facts. In cases where victims may be unaware of recent arrests or child abuse and neglect proceedings against the perpetrator, or where a perpetrator may fail to voluntarily disclose this information to the court, the litigants will be unable to bring this necessary information to the court’s attention. Requiring judges to access information from the child abuse and maltreatment registry, order of protection registry and registry of warrants of arrest will allow judges to make more informed determinations of custody and visitation to best ensure the safety of victims of domestic violence and their children.