

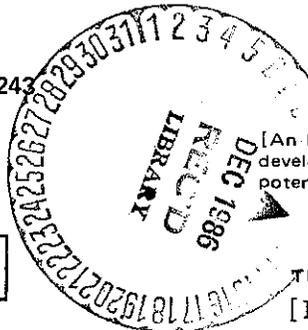
NEW YORK STATE

DEPARTMENT OF SOCIAL SERVICES

40 NORTH PEARL STREET, ALBANY, NEW YORK 12243



SAR A. PERALES  
Commissioner



[An Informational Letter informs local districts of potential developments in the Social Services field, or of actual or potential developments in collateral fields of interest.]

**INFORMATIONAL LETTER**

TRANSMITTAL NO.: 86 INF-41  
[Family and Children Services]

TO: Commissioners of Social Services  
Directors of Domestic Violence Programs

SUBJECT: 1986 Legislation Related to Victims  
of Domestic Violence

DATE: December 9, 1986

SUGGESTED DISTRIBUTION: Directors of Services  
Social Services Attorneys  
Staff Development Coordinators

CONTACT PERSON: Any questions concerning this release should be directed to Fredric Cantlo, Regional Director, Metropolitan Regional Office, telephone 212-488-3485; John O'Connor, Regional Director, Eastern Regional Office, telephone 518-473-1095; Karen Schimke, Regional Director, Buffalo Regional Office, telephone 716-847-3145; or Frank Petrus, Regional Director, Western Regional Office, telephone 716-238-8201.

A. Purpose

The purpose of this release is to inform local social services districts and programs which serve victims of domestic violence of Chapters 391 and 847 of the Laws of 1986 pertaining to victims of domestic violence which were recently signed by Governor Cuomo.

**FILING REFERENCES**

Previous INFs/ADMs	Dept. Regs.	Social Services Law and Other Legal References	Bulletin/Chapter Reference	Miscellaneous References
		FCA 818 FCA 812 C.P.L. 530.11 (6) Executive Law 841.9		

DSS-329 (REV. 82)

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## RIGHTS OF VICTIMS OF FAMILY OFFENSES

If you wish to make a complaint against a family member who has injured, threatened or harassed you, you must choose to go either to Criminal Court or Family Court.

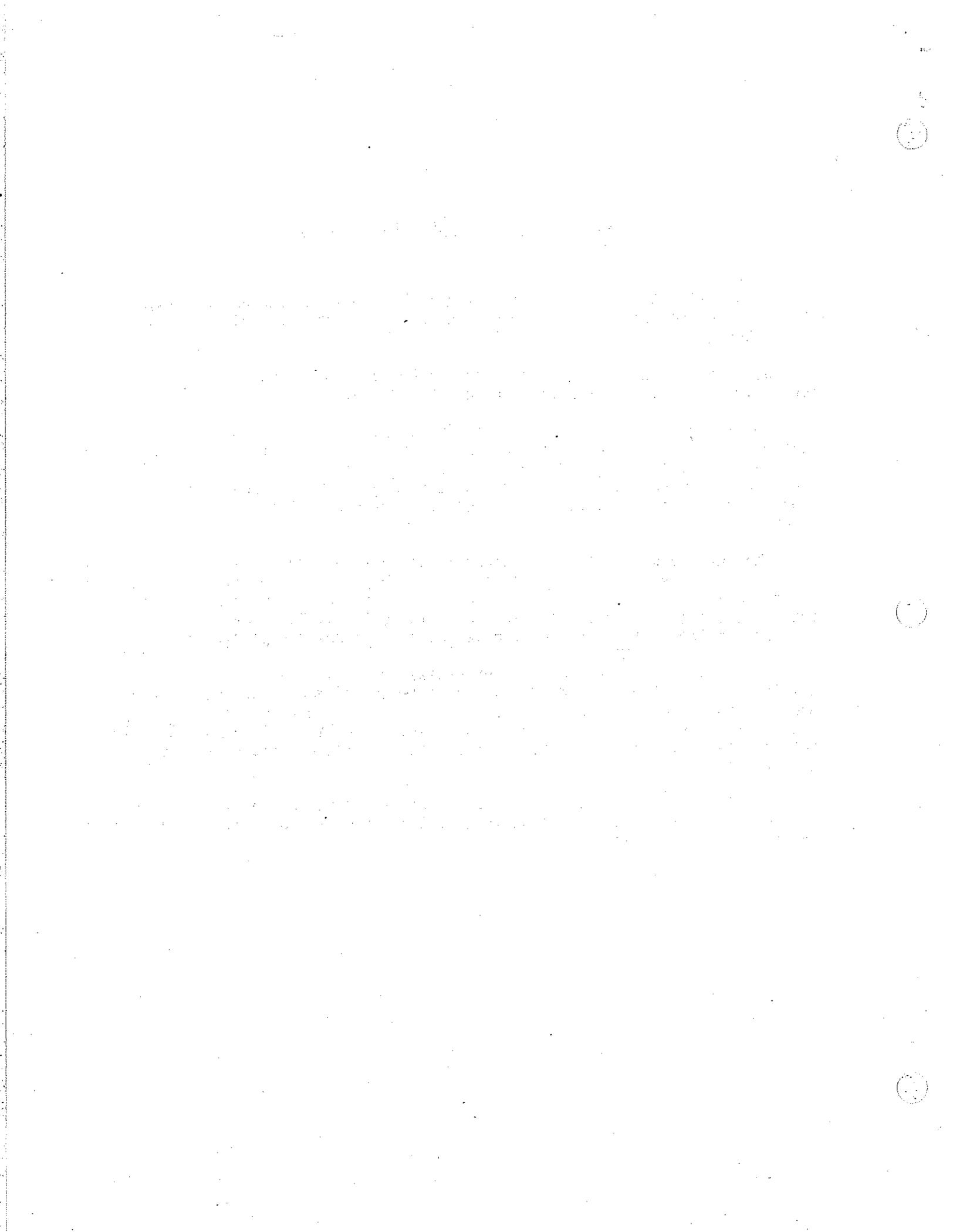
Both courts can issue you an Order of Protection, which can require your abuser to stay away and stop harming or threatening you.

Family Court is a civil court and its purpose is to stop the violence, end family disruption, and protect you and your family. The Family Court can order custody and child support, arrange for counseling or other services, and give you an Order of Protection. You may choose to go to Family Court if you are legally married to the abuser, divorced, or unmarried but have a child together.

The purpose of the Criminal Court is to prosecute the offender for a crime, regardless of whether that person is related to you. A criminal charge must be filed and if there is a conviction, the court may decide to order the offender into counseling or give a jail sentence. The Criminal Court may also give you an Order of Protection but cannot order custody or child support.

An arrest may be made but is not necessary for you to go to Family Court or Criminal Court. A written complaint (a statement of what happened) must be made, no matter which court you choose. If there has not been an arrest, you must go to court to sign your complaint. Ask the police officer how to file this complaint in your local court or call one of the numbers on this card for assistance.

Within 72 hours of filing the complaint, you may ask that your case be transferred to the other court as long as the judge has not already made a final decision about the case.



YOU CAN GET HELP

The Police Officer who has given you this form can give you information about services -- including shelters -- that are available in the community to victims of family offenses. If you want more information about such services, just ask the officer.

STATEWIDE HOTLINES

1-800-942-6906 24 Hour Hotline  
1-800-942-6908 (Español) 9 a.m. - 5 p.m

SERVICES AVAILABLE IN OUR COMMUNITY

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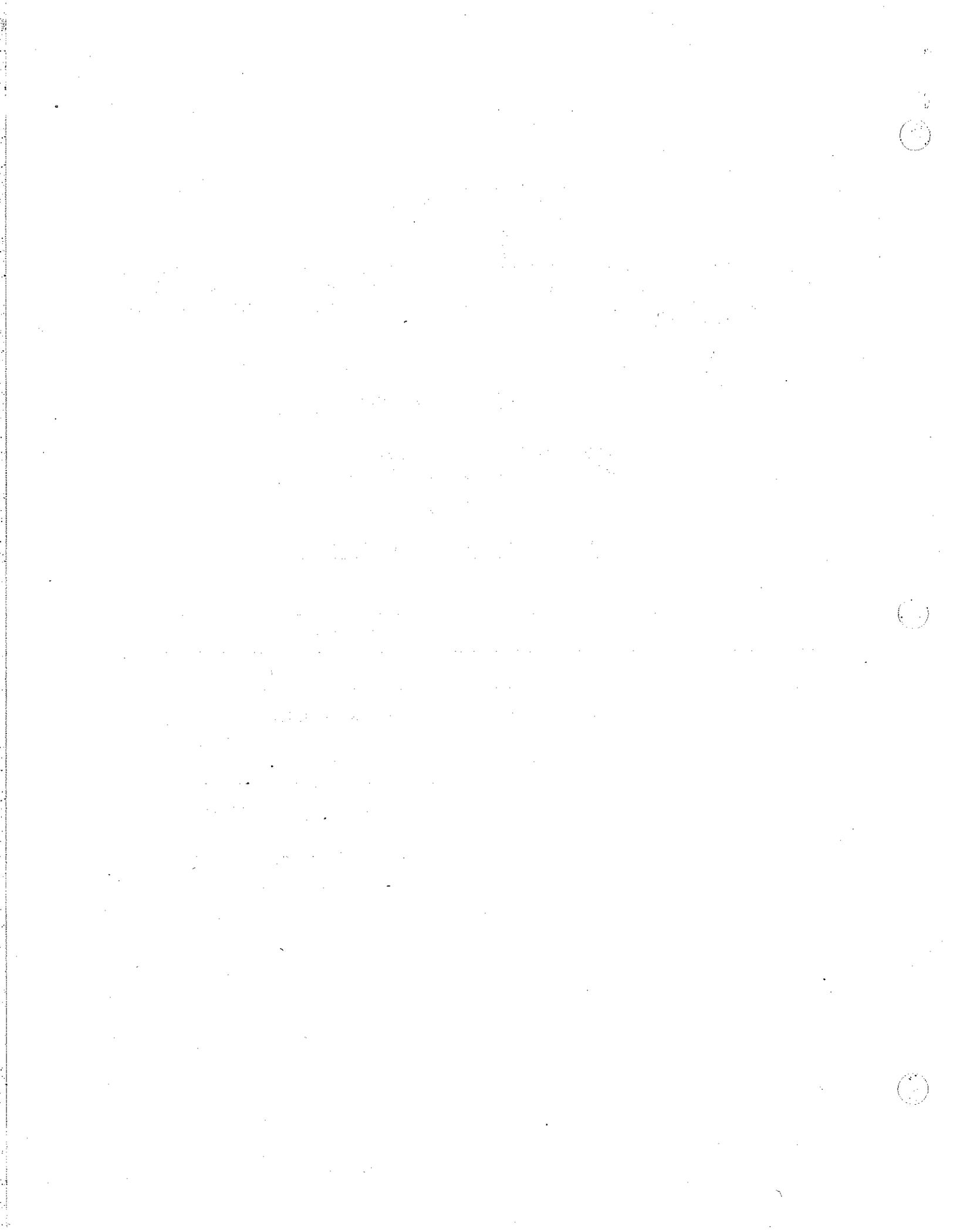
(To be filled in by local police department)

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Investigating Officer

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Complainant



# STATE OF NEW YORK

9038--A

## IN ASSEMBLY

February 25, 1986

Introduced by M. of A. NADLER, PATTON, NEWBURGER, WEINSTEIN, MARSHALL, SEABROOK -- Multi-Sponsored by -- M. of A. COLMAN, CONNERS, DANIELS, DEARIE, Del TORO, ENGEL, FLANAGAN, GOTTFRIED, GRANNIS, GREENE, HOYT, JACOBS, LIPSCHUTZ, LOPEZ, MAYERSOHN, MURTAUGH, PASSANNANTE, SANDERS, SERRANO, SLAUGHTER, TOCCI, WALDON, YEVOLI -- read once and referred to the Committee on Children and Families -- reported and referred to the Committee on Rules -- Rules Committee discharged, bill amended, ordered reprinted as amended and recommitted to the Committee on Rules

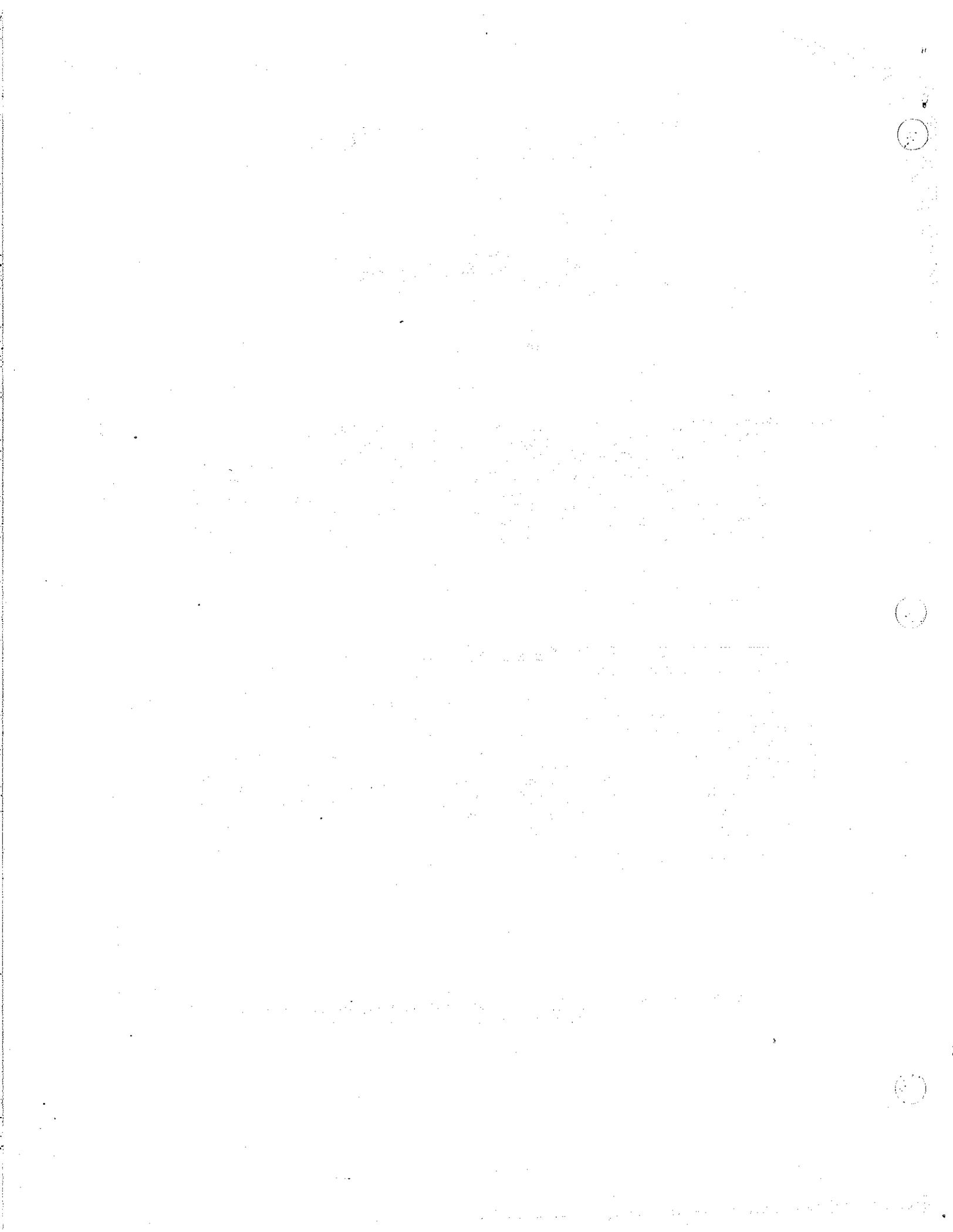
AN ACT to amend the family court act, in relation to venue in family offense proceedings

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

- 1 Section 1. Section eight hundred eighteen of the family court act, as
- 2 amended by chapter four hundred sixteen of the laws of nineteen hundred
- 3 eighty-one, is amended to read as follows:
- 4 § 818. Venue. Proceedings under this article may be originated in the
- 5 county in which the act or acts referred to in the petition allegedly
- 6 occurred or in which the family or household resides or in which any
- 7 party resides. For the purposes of this section, residence shall include
- 8 a special care home, as defined in section two of the social services
- 9 law, or a shelter for homeless persons.
- 10 § 2. This act shall take effect on the first day of November next suc-
- 11 ceeding the date on which it shall have become a law.

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

LBD12299-06-6



# STATE OF NEW YORK

S. 1634--C

A. 2284--C  
Cal. No. 606

1985-1986 Regular Sessions

## SENATE—ASSEMBLY

January 31, 1985

IN SENATE -- Introduced by Sens. ROLISON, MEGA -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Judiciary in accordance with Senate Rule 6, sec. 8 -- 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

IN ASSEMBLY -- Introduced by M. of A. SALAND -- read once and referred to the Committee on Judiciary -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Judiciary in accordance with Assembly Rule 3, sec. 2 -- reported from said committee with amendments, ordered reprinted as amended and placed on the order of second reading -- passed by Assembly and delivered to the Senate, recalled from Senate, vote reconsidered, bill amended, ordered reprinted and restored to third reading

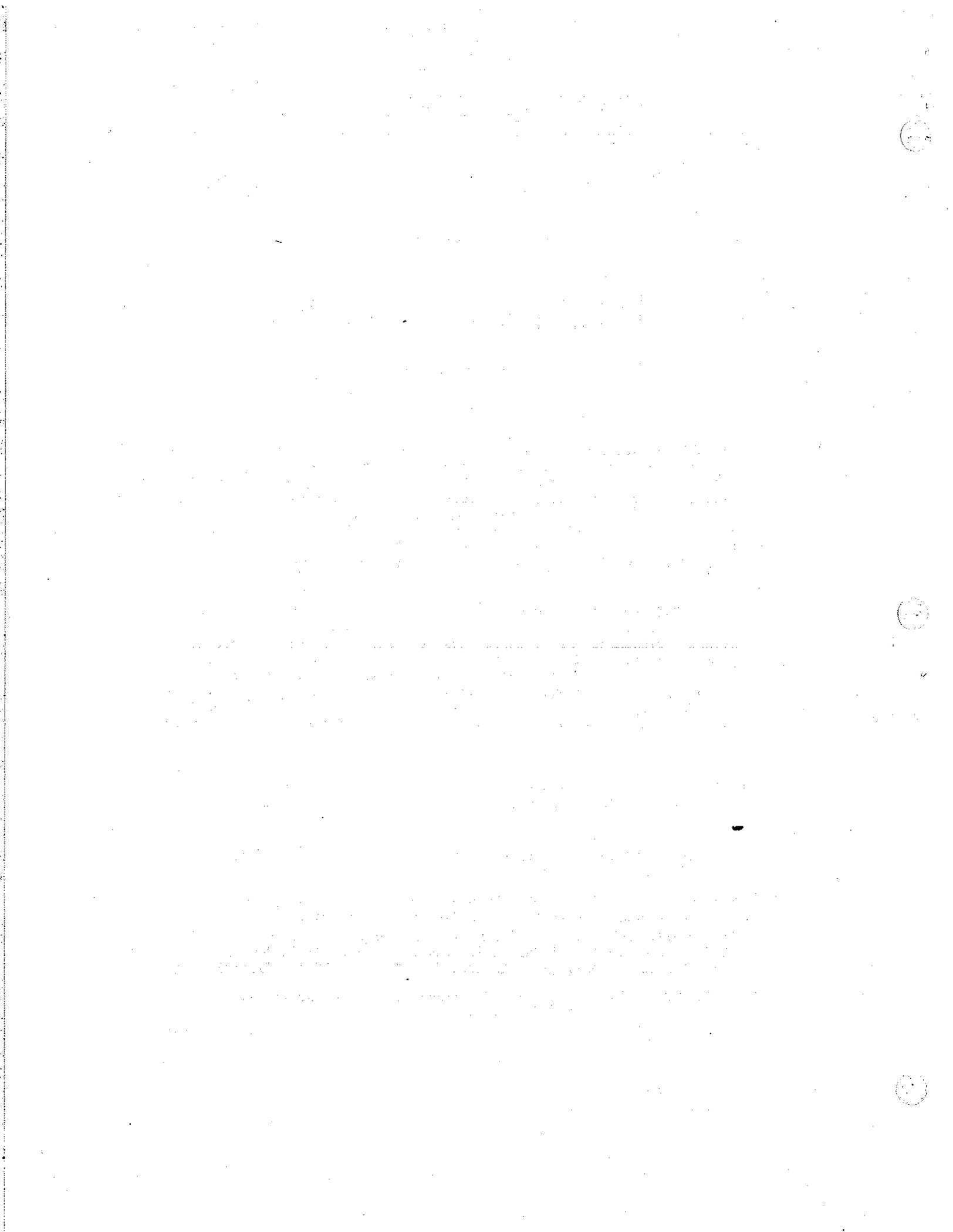
AN ACT to amend the family court act, the criminal procedure law and the executive law, in relation to notices to petitioners and complainants

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

- 1 Section 1. Section eight hundred twelve of the family court act is
- 2 amended by adding a new subdivision five to read as follows:
- 3 5. Notice. Every police officer, peace officer or district attorney
- 4 investigating a family offense under this article shall advise the vic-
- 5 tim of the availability of a shelter or other services in the community.

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

LBD05051-04-6



1 and shall immediately give the victim written notice of the legal rights  
2 and remedies available to a victim of a family offense under the  
3 relevant provisions of the criminal procedure law, family court act and  
4 the domestic relations law. The division of criminal justice services  
5 shall prepare the form and content of such written notice and distribute  
6 copies thereof to the appropriate law enforcement officials pursuant to  
7 subdivision nine of section eight hundred forty-one of the executive  
8 law. No cause of action for damages shall arise in favor of any person  
9 by reason of any failure to comply with the provisions of this subdivi-  
10 sion except upon a showing of gross negligence or willful misconduct.

11 § 2. Section 530.11 of the criminal procedure law is amended by adding  
12 a new subdivision six to read as follows:

13 6. Notice. Every police officer, peace officer or district attorney  
14 investigating a family offense under this article shall advise the vic-  
15 tim of the availability of a shelter or other services in the community,  
16 and shall immediately give the victim written notice of the legal rights  
17 and remedies available to a victim of a family offense under the  
18 relevant provisions of the criminal procedure law, family court act and  
19 the domestic relations law. The division of criminal justice services  
20 shall prepare the form and content of such written notice and distribute  
21 copies thereof to the appropriate law enforcement officials pursuant to  
22 subdivision nine of section eight hundred forty-one of the executive  
23 law. No cause of action for damages shall arise in favor of any person  
24 by reason of any failure to comply with the provisions of this subdivi-  
25 sion except upon a showing of gross negligence or willful misconduct.

26 § 3. Section eight hundred forty-one of the executive law is amended  
27 by adding a new subdivision nine to read as follows:

28 9. Prepare, update and distribute to appropriate law enforcement offi-  
29 cial the form and content of the written notice required to be given to  
30 victims of family offenses pursuant to subdivision five of section eight  
31 hundred twelve of the family court act and subdivision six of section  
32 530.11 of the criminal procedure law.

33 § 4. This act shall take effect on the first day of November next suc-  
34 ceeding the date on which it shall have become a law.

