



Legislation Text

File #: Res 0091-2004, **Version:** *

Res. No. 91

Resolution calling upon the New York State Senate to pass S. 2413-A, a bill that would ensure equal treatment for all domestic violence victims by amending the Family Court Act and Criminal Procedure Law to permit a victim of domestic abuse to file for an order of protection against a member of the same family or household, regardless of the victim's marital status or sexual orientation.

By Council Members Yassky, Baez, Brewer, Clarke, Comrie, Fidler, Gioia, Jackson, Lopez, Martinez, Nelson, Rivera, Sanders, Stewart, Weprin, Gerson, Gentile, James and Gennaro

Whereas, Domestic violence is a serious crime that threatens the health and safety of its victims, many of whom are children; and

Whereas, State law currently allows victims of domestic violence to file for orders of protection only against former spouses and persons with whom the victim has a child in common; and

Whereas, Domestic violence can occur in a variety of settings, including between unrelated individuals who reside in the same household, such as same-sex couples; and

Whereas, As written, state law fails to provide access to Family Court for victims of domestic violence unless their abusers are former spouses or persons with whom the victim has a child; and

Whereas, S. 2413-A would amend the Family Court Act and the Criminal Procedure Law to provide protection for all domestic violence victims by permitting such victims to receive an order of protection against a "member of the same family or household"; and

Whereas, Under current state law, a "member of the same family or household" includes persons related by consanguinity or affinity, persons legally married to one another, persons formerly married to one another, and persons who have a child in common; and

Whereas, S. 2413-A would expand the definition of "member of the same family or household" to

include all unrelated persons who are continually or at regular intervals living in the same household or who have in the past continually or at regular intervals lived in the same household, thereby permitting unrelated individuals, such as members of same-sex couples, to file for orders of protection; and

Whereas, These amendments would ensure equal treatment for all domestic violence victims seeking orders of protection, regardless of marital status or sexual orientation; and

Whereas, S. 2413-A would also better protect victims of domestic violence by permitting the summary arrest of persons charged with violence against a “member of the same family or household” as this term is amended by this bill; and

Whereas, New York State already employs this expanded family and household definition within the Domestic Violence Prevention Act, an Act to provide public services such as shelters for victims of domestic violence; and

Whereas, The New York State Assembly passed A. 2235, a bill that contains identical language to S. 2413-A, on May 21, 2003, whereupon it was delivered to the Senate; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Senate to pass S. 2413-A, a bill that would ensure equal treatment for all domestic violence victims by amending the Family Court Act and Criminal Procedure Law to permit a victim of domestic abuse to file for an order of protection against a member of the same family or household, regardless of the victim’s marital status or sexual orientation.