



NEW YORK STATE SENATOR

Joseph P. Addabbo Jr.

Addabbo co-sponsors legislation to establish Kyra's Law

SENATOR JOSEPH P. ADDABBO, JR. May 15, 2023

| ISSUE: **KYRA'S LAW, PROTECTING CHILDREN, DOMESTIC VIOLENCE, NEW LAWS, ADDABBO**

New York State Senator Joseph P. Addabbo, Jr. is proud to co-sponsor a bipartisan bill (S.3170A), known as “Kyra’s Law,” to protect children from parents or guardians who intend to harm them. This legislation mandates judges to consider past accusations of abuse or domestic violence to ensure that the child's safety is a priority when deciding on custody or visitation.

“Kyra’s law is the direct result of tireless advocacy by Kyra’s mother, Jacqueline Franchetti, and many supporters of her efforts,” said Sen. Addabbo after meeting with Jacqueline in his Albany office. “This legislation will ensure accountability and oversight, an important step in protecting New York’s children from neglect and tragic consequences at the hands of an abusive parent or guardian.”

Kyra’s Law would mandate court officials to take part in new training for handling cases regarding domestic violence and child abuse. The goal of the legislation is to keep children away from potentially dangerous parents by requiring courts to consider the health and safety of the child before making any decisions related to visitation or custody.

Courts would need to consider past and present abuse committed by the parent against the child, violence committed by the parent to their partner or other children in the home, and if

the child is actively fearful of the parent and their behavior. The bill would also require courts to hold an evidentiary hearing to enter findings of domestic violence, child abuse, or child sexual abuse before making any final determination.

The Kyra Franchetti Foundation was created by Jacqueline Franchetti in memory of her 2-year-old daughter Kyra, who was shot to death while sleeping by her biological father, who then set his house on fire and killed himself during an unsupervised, court-approved visit.

Kyra's father had a history of emotional and verbal abuse to Jacqueline during their relationship, so when she became pregnant, Jacqueline left him. After Kyra was born, he reappeared, seeking custody. Throughout two years of custody hearings, the court received numerous notifications that Kyra's father was angry, violent, and suicidal, while he continued to harass, threaten, and stalk her. Jacqueline's pleas for help and his dangerous behaviors were ignored as the forensic evaluator recommended joint custody.

Kyra's Law also works to prevent courts from assuming that a child's negative relationship with one parent has been caused by another and to discontinue the practice of restricting a child's time spent with one parent in order to improve the relationship with another.

"As a father of two daughters, it's heartbreaking to learn that the experts and authorities involved in this case failed to protect Kyra by choosing to ignore the pattern of abusive behavior presented to them, ultimately granting Kyra's father unsupervised visitation that ended in a tragic, yet avoidable, loss of life. We need to pass this legislation and enact Kyra's law to make sure no other child has the same fate as Kyra, and no other family has to deal with a similar tragedy," Addabbo concluded.

The Kyra Franchetti Foundation works to raise awareness about the risk of family violence, especially to children, inside and outside New York's divorce/family court system. They seek

to change the way issues of violence and abuse are addressed in family courts so that child safety is put above all else. To learn more about the Kyra Franchetti Foundation, visit their website at <https://kyrafranchetti.org>.

If you or someone you know is in an abusive situation and a child is endangered, please **call the** NYS Domestic Violence 24-Hour Hotline at 1-800-942-6906 or 711 for Deaf or Hard of Hearing.

The Senate bill (S.3170A) and the companion Assembly bill (A.3346A) are currently under consideration by their respective Judiciary Committees.

RELATED LEGISLATION

2023-S3170A

- Introduced

- - In Committee Assembly
 - In Committee Senate

- - On Floor Calendar Assembly
 - On Floor Calendar Senate

- - Passed Assembly
 - Passed Senate

- Delivered to Governor
- Signed By Governor
-

Establishes "Kyra's Law"

January 30, 2023

In Senate Committee **Judiciary**

Sponsored by **James Skoufis**

Do you support this bill?