S T A T E O F N E W Y O R K

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2009-2010 Regular Sessions

I N A S S E M B L Y

February 13, 2009

Introduced by M. of A. ERRIGO, BURLING, FINCH, GIGLIO, TOWNSEND, TOBACCO, WALKER -- Multi-Sponsored by -- M. of A. CALHOUN, CORWIN, CROUCH, DUPREY, HAWLEY, JORDAN, MOLINARO, QUINN, SAYWARD, WEISENBERG -- read once and referred to the Committee on Children and Families

AN ACT to amend the social services law, in relation to the definition of an "abandoned" child

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Paragraph (a) of subdivision 5 of section 384-b of the social services law, as added by chapter 666 of the laws of 1976, is amended to read as follows:

(a) For the purposes of this section, a child is "abandoned" by his OR HER parent if such parent evinces an intent to forego his or her parental rights and obligations as manifested by his or her failure to visit the child and communicate with the child or agency, although able to do so and not prevented or discouraged from doing so by the agency. In the absence of evidence to the contrary, such ability to visit and communicate shall be presumed. A PARENT SHALL BE DEEMED TO HAVE FOREGONE HIS OR HER PARENTAL RIGHTS AND OBLIGATIONS IF HIS OR HER FAILURE TO VISIT THE CHILD AND COMMUNICATE WITH THE CHILD OR AGENCY IS BY REASON OF SUCH PARENT'S USE OF DRUGS OR ALCOHOL, EXCEPT WHILE THE PARENT IS ACTUALLY HOSPITALIZED OR INSTITUTIONALIZED THEREFOR.

S 2. This act shall take effect immediately.

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

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