

6668

2009-2010 Regular Sessions

I N A S S E M B L Y

March 11, 2009

Introduced by M. of A. P. RIVERA -- read once and referred to the
Committee on Mental Health, Mental Retardation and Developmental Disa-
bilities

AN ACT to amend the social services law, in relation to the permanent
termination of parental rights for reason of mental illness or mental
retardation; and to repeal subdivision 6 of section 384-b of the
social services law relating thereto

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

- 1 Section 1. Subdivision 4 of section 384-b of the social services law,
2 as added by chapter 666 of the laws of 1976, paragraphs (b) and (c) as
3 amended by chapter 284 of the laws of 1981, paragraph (d) as amended by
4 chapter 739 of the laws of 1981, and paragraph (e) as amended by section
5 56 of part A of chapter 3 of the laws of 2005, is amended to read as
6 follows:
7 4. An order committing the guardianship and custody of a child pursu-
8 ant to this section shall be granted only upon one or more of the
9 following grounds:
10 (a) Both parents of the child are dead, and no guardian of the person
11 of such child has been lawfully appointed; or
12 (b) The parent or parents, whose consent to the adoption of the child
13 would otherwise be required in accordance with section one hundred elev-
14 en of the domestic relations law, abandoned such child for the period of
15 six months immediately prior to the date on which the petition is filed
16 in the court; or
17 (c) [The parent or parents, whose consent to the adoption of the child
18 would otherwise be required in accordance with section one hundred elev-
19 en of the domestic relations law, are presently and for the foreseeable
20 future unable, by reason of mental illness or mental retardation, to
21 provide proper and adequate care for a child who has been in the care of

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

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1 an authorized agency for the period of one year immediately prior to the
2 date on which the petition is filed in the court; or
3 (d)] The child is a permanently neglected child; or
4 [(e)] (D) The parent or parents, whose consent to the adoption of the
5 child would otherwise be required in accordance with section one hundred
6 eleven of the domestic relations law, severely or repeatedly abused such
7 child. Where a court has determined that reasonable efforts to reunite
8 the child with his or her parent are not required, pursuant to the fami-
9 ly court act or this chapter, a petition to terminate parental rights on
10 the ground of severe abuse as set forth in subparagraph (iii) of para-
11 graph (a) of subdivision eight of this section may be filed immediately
12 upon such determination.
13 S 2. Subdivision 6 of section 384-b of the social services law is
14 REPEALED.
15 S 3. This act shall take effect immediately.