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

2835

2009-2010 Regular Sessions

I N S E N A T E

March 4, 2009

Introduced by Sens. HUNTLEY, MONTGOMERY, HASSELL-THOMPSON, MONSERRATE, OPPENHEIMER -- read twice and ordered printed, and when printed to be committed to the Committee on Children and Families

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 ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Subdivision 4 of section 384-b of the social services law, as added by chapter 666 of the laws of 1976, paragraphs (b) and (c) as amended by chapter 284 of the laws of 1981, paragraph (d) as amended by chapter 739 of the laws of 1981, and paragraph (e) as amended by section 56 of part A of chapter 3 of the laws of 2005, is amended to read as follows:

4. An order committing the guardianship and custody of a child pursuant to this section shall be granted only upon one or more of the following grounds:

(a) Both parents of the child are dead, and no guardian of the person of such child has been lawfully appointed; or

(b) The parent or parents, whose consent to the adoption of the child would otherwise be required in accordance with section one hundred eleven of the domestic relations law, abandoned such child for the period of six months immediately prior to the date on which the petition is filed in the court; or

(c) [The parent or parents, whose consent to the adoption of the child would otherwise be required in accordance with section one hundred eleven of the domestic relations law, are presently and for the foreseeable future unable, by reason of mental illness or mental retardation, to 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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an authorized agency for the period of one year immediately prior to the date on which the petition is filed in the court; or

(d)] The child is a permanently neglected child; or

[(e)] (D) The parent or parents, whose consent to the adoption of the child would otherwise be required in accordance with section one hundred eleven of the domestic relations law, severely or repeatedly abused such child. Where a court has determined that reasonable efforts to reunite the child with his or her parent are not required, pursuant to the family court act or this chapter, a petition to terminate parental rights on the ground of severe abuse as set forth in subparagraph (iii) of paragraph (a) of subdivision eight of this section may be filed immediately upon such determination.

S 2. Subdivision 6 of section 384-b of the social services law is REPEALED.

S 3. This act shall take effect immediately.