

6668

2009-2010 Regular Sessions

I N   A S S E M B L Y

March 11, 2009

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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.