

2011-2012 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 5, 2011

Introduced by M. of A. PAULIN, WRIGHT, SCARBOROUGH, HEASTIE, PRETLOW, PHEFFER, GUNTHER, ROSENTHAL, HOOPER, GALEF, CLARK, JAFFEE, SCHIMMING-ER, ZEBROWSKI, ABBATE, WEISENBERG, SPANO, KELLNER, MAISEL, KAVANAGH, ROBINSON, LATIMER, CALHOUN -- Multi-Sponsored by -- M. of A. BENEDETTO, BING, BOYLAND, CAHILL, DESTITO, DINOWITZ, ENGLEBRIGHT, FARRELL, GOTTFRIED, HEVESI, HOYT, V. LOPEZ, LUPARDO, MAGEE, MARKEY, MAYERSOHN, McENENY, MENG, MILLMAN, ORTIZ, SCHIMEL, SWEENEY -- read once and referred to the Committee on Judiciary

AN ACT to amend the family court act and the social services law, in relation to abandoned infants

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

1 Section 1. Paragraph (ii) of subdivision (f) and subdivision (j) of
2 section 1012 of the family court act, paragraph (ii) of subdivision (f)
3 as amended by chapter 666 of the laws of 1976 and subdivision (j) as
4 amended by section 3 of part B of chapter 3 of the laws of 2005, are
5 amended and a new subdivision (l) is added to read as follows:
6 (ii) who has been abandoned, in accordance with the definition and
7 other criteria set forth in subdivision five of section three hundred
8 eighty-four-b of the social services law, by his parents or other person
9 legally responsible for his care, BUT SHALL NOT INCLUDE AN ABANDONED
10 INFANT AS DEFINED IN SUBDIVISION (L) OF THIS SECTION.
11 (j) "Aggravated circumstances" means where a child has been either
12 severely or repeatedly abused, as defined in subdivision eight of
13 section three hundred eighty-four-b of the social services law; or where
14 a child has subsequently been found to be an abused child, as defined in
15 paragraph (i) or (iii) of subdivision (e) of this section, within five
16 years after return home following placement in foster care as a result
17 of being found to be a neglected child, as defined in subdivision (f) of
18 this section, provided that the respondent or respondents in each of the

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

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1 foregoing proceedings was the same; or where the court finds by clear
2 and convincing evidence that the parent of a child in foster care has
3 refused and has failed completely, over a period of at least six months
4 from the date of removal, to engage in services necessary to eliminate
5 the risk of abuse or neglect if returned to the parent, and has failed
6 to secure services on his or her own or otherwise adequately prepare for
7 the return home and, after being informed by the court that such an
8 admission could eliminate the requirement that the local department of
9 social services provide reunification services to the parent, the parent
10 has stated in court under oath that he or she intends to continue to
11 refuse such necessary services and is unwilling to secure such services
12 independently or otherwise prepare for the child's return home;
13 provided, however, that if the court finds that adequate justification
14 exists for the failure to engage in or secure such services, including
15 but not limited to a lack of child care, a lack of transportation, and
16 an inability to attend services that conflict with the parent's work
17 schedule, such failure shall not constitute an aggravated circumstance;
18 or where a court has determined a child [five] THIRTY days old or young-
19 er was abandoned by a parent with an intent to wholly abandon such child
20 and with the intent that the child be safe from physical injury and
21 cared for in an appropriate manner.

22 (L) "ABANDONED INFANT" MEANS A CHILD WHO HAS BEEN LEFT BY HIS OR HER
23 PARENT WHEN THIRTY DAYS OLD OR YOUNGER, IN A MANNER THAT INDICATED THE
24 PARENT'S INTENT TO WHOLLY ABANDON SUCH CHILD BY RELINQUISHING AND FORE-
25 GOING RESPONSIBILITY FOR AND RIGHTS TO THE CARE AND CUSTODY OF SUCH
26 CHILD WITH THE INTENT THAT THE CHILD BE SAFE FROM PHYSICAL INJURY AND
27 CARED FOR IN AN APPROPRIATE MANNER.

28 S 2. The family court act is amended by adding a new section 1031-a to
29 read as follows:

30 S 1031-A. ABANDONED INFANTS, PRELIMINARY PROCEDURE. (A) UPON RECEIPT
31 OF NOTICE THAT A CHILD WHO APPEARS TO BE AN ABANDONED INFANT HAS BEEN
32 FOUND IN THE JURISDICTION OF THE LOCAL SOCIAL SERVICES DISTRICT, THE
33 LOCAL COMMISSIONER OF SOCIAL SERVICES SHALL IMMEDIATELY TAKE PROTECTIVE
34 CUSTODY OF THE CHILD PURSUANT TO SECTION ONE THOUSAND TWENTY-FOUR OF
35 THIS ARTICLE UNTIL FURTHER ORDER OF THE COURT.

36 (B) A PROCEEDING TO DETERMINE WHETHER A CHILD IS AN ABANDONED INFANT
37 PURSUANT TO SUBDIVISION (L) OF SECTION ONE THOUSAND TWELVE OF THIS ARTI-
38 CLE SHALL BE COMMENCED BY SUCH LOCAL COMMISSIONER FORTHWITH. THE PETI-
39 TION FOR SUCH PROCEEDING SHALL:

40 (I) ALLEGE THE LOCATION AND DATE OF AND THE CIRCUMSTANCES BY WHICH IT
41 IS ALLEGED THAT THE CHILD WAS ABANDONED; AND

42 (II) ALLEGE THAT UPON INFORMATION AND BELIEF, THE CHILD IN QUESTION
43 WAS THIRTY DAYS OLD OR YOUNGER WHEN FOUND.

44 (C) THE COURT UPON RECEIPT OF THE PETITION SHALL APPOINT AN ATTORNEY
45 FOR THE CHILD TO REPRESENT THE CHILD ALLEGED TO BE AN ABANDONED INFANT.

46 (D) IF THE IDENTITY OF THE PARENTS OF THE CHILD IS UNKNOWN, THE COURT
47 UPON RECEIPT OF THE PETITION SHALL HOLD A HEARING TO DETERMINE WHETHER
48 THE CHILD APPEARS TO HAVE BEEN ABANDONED IN ACCORDANCE WITH THE DEFINI-
49 TION OF ABANDONED INFANT PROVIDED IN SUBDIVISION (1) OF SECTION ONE
50 THOUSAND TWELVE OF THIS ARTICLE.

51 (I) AT SUCH HEARING, IF THE COURT DETERMINES THAT THE CIRCUMSTANCES OF
52 THE ABANDONMENT MEET THE DEFINITION OF ABANDONED INFANT IN SUBDIVISION
53 (1) OF SECTION ONE THOUSAND TWELVE OF THIS ARTICLE, THE COURT SHALL:

54 (A) ORDER THAT THE LOCAL COMMISSIONER OF SOCIAL SERVICES SHALL NOT BE
55 REQUIRED TO COMMENCE A DILIGENT SEARCH TO LOCATE THE PARENT OR PARENTS
56 OR OTHER RELATIVES OF THE CHILD; AND

(B) REQUIRE THE LOCAL COMMISSIONER OF SOCIAL SERVICES TO CAUSE NOTICE OF THE PROCEEDING TO BE PUBLISHED IN ACCORDANCE WITH THE PROVISIONS OF SUBDIVISION (A) OF RULE THREE HUNDRED SIXTEEN OF THE CIVIL PRACTICE LAW AND RULES IN THE COUNTY IN WHICH SUCH CHILD WAS FOUND, AT LEAST ONCE IN EACH OF THREE SUCCESSIVE WEEKS. SERVICE BY PUBLICATION IS COMPLETE ON THE TWENTY-FIRST DAY AFTER THE DAY OF THE FIRST PUBLICATION. THE NOTICE SHALL STATE:

(1) THE DATE, TIME AND PURPOSE OF THE PROCEEDING;

(2) THE DATE, TIME AND PLACE THAT THE ABANDONED INFANT WAS FOUND;

(3) A DESCRIPTION OF THE INFANT INCLUDING ITS APPROXIMATE DATE OF BIRTH;

(4) THAT UPON FAILURE OF THE PARENT TO APPEAR, THE CHILD MAY BE DEEMED AN ABANDONED INFANT PURSUANT TO SUBDIVISION (L) OF SECTION ONE THOUSAND TWELVE OF THIS ARTICLE AND PLACED INTO THE CARE AND CUSTODY OF THE COMMISSIONER OF THE LOCAL SOCIAL SERVICES DISTRICT IN THE PARENT'S ABSENCE; AND

(5) THE NAME, ADDRESS, AND TELEPHONE NUMBER OF THE PERSON DESIGNATED BY THE LOCAL COMMISSIONER OF SOCIAL SERVICES TO CONTACT FOR INFORMATION REGARDING SUCH CHILD.

(II) IN DETERMINING WHETHER REMOVAL OR CONTINUING THE REMOVAL OF A CHILD IS NECESSARY TO AVOID IMMINENT RISK TO THE CHILD'S LIFE OR HEALTH, THE COURT SHALL CONSIDER AND DETERMINE IN ITS ORDER WHETHER CONTINUATION IN THE CHILD'S HOME WOULD BE CONTRARY TO THE BEST INTERESTS OF THE CHILD AND WHERE APPROPRIATE, WHETHER REASONABLE EFFORTS WERE MADE PRIOR TO THE DATE OF THE HEARING HELD UNDER THIS SUBDIVISION TO PREVENT OR ELIMINATE THE NEED FOR REMOVAL OF THE CHILD FROM THE HOME AND, IF THE CHILD WAS REMOVED FROM HIS OR HER HOME PRIOR TO THE DATE OF THE HEARING HELD UNDER THIS SUBDIVISION, WHERE APPROPRIATE, THAT REASONABLE EFFORTS WERE MADE TO MAKE IT POSSIBLE FOR THE CHILD TO SAFELY RETURN HOME. IF THE COURT DETERMINES THAT REASONABLE EFFORTS TO PREVENT OR ELIMINATE THE NEED FOR REMOVAL OF THE CHILD FROM THE HOME WERE NOT MADE BUT THAT THE LACK OF SUCH EFFORTS WAS APPROPRIATE UNDER THE CIRCUMSTANCES, THE COURT ORDER SHALL INCLUDE SUCH A FINDING.

(E) IF A PERSON CLAIMING TO BE A PARENT OF THE CHILD IN QUESTION WHO IS ALLEGED TO BE AN ABANDONED INFANT, COMES FORWARD, THE LOCAL COMMISSIONER OF SOCIAL SERVICES SHALL:

(I) PROVIDE WRITTEN NOTIFICATION TO THE COURT AND THE ATTORNEY FOR THE CHILD FORTHWITH; AND

(II) CAUSE A TEST TO BE CONDUCTED TO CONFIRM MATERNITY OR PATERNITY OF THE PERSONS CLAIMING TO BE THE MOTHER OR FATHER OF THE CHILD IN QUESTION; AND IF MATERNITY OR PATERNITY IS CONFIRMED, NOTIFY THE COURT WHICH SHALL ORDER AN INVESTIGATION PURSUANT TO SUBDIVISION ONE OF SECTION ONE THOUSAND THIRTY-FOUR OF THIS PART. THE EXISTING ORDER OF CUSTODY OF THE CHILD TO THE LOCAL COMMISSIONER OF SOCIAL SERVICES SHALL CONTINUE PENDING THE RESULT OF THE INVESTIGATION.

(A) IF THERE ARE GROUNDS PURSUANT TO SUBDIVISION (E) OR (F) OF SECTION ONE THOUSAND TWELVE OF THIS ARTICLE TO FILE A PETITION TO DETERMINE ABUSE OR NEGLECT PURSUANT TO SECTION ONE THOUSAND THIRTY-ONE OF THIS PART, THE LOCAL COMMISSIONER OF SOCIAL SERVICES SHALL FILE SUCH PETITION WITHIN THREE COURT DAYS OF THE COMPLETION OF THE INVESTIGATION. THE PARENT OR PARENTS SHALL BE INFORMED OF THE DATE AND THE TIME THAT THE PETITION SHALL BE FILED, THE ADDRESS OF THE COURT WHERE THE PETITION SHALL BE FILED, OF THE RIGHT OF THE PARENT TO BE PRESENT AT ANY HEARING HELD THEREON AND OF THE RIGHT TO BE REPRESENTED BY COUNSEL, INCLUDING PROCEDURES FOR OBTAINING COUNSEL IF INDIGENT. UPON SUCH FILING, A HEAR-

1 ING PURSUANT TO SECTION ONE THOUSAND TWENTY-SEVEN OF THIS ARTICLE SHALL
2 BE HELD FORTHWITH.

3 (B) IF NO SUCH GROUNDS EXIST, THE COURT SHALL DISMISS THE PETITION AND
4 ORDER THAT THE CHILD BE RETURNED TO HIS OR HER PARENT OR PARENTS.

5 S 3. Subdivision (a) of section 1039-b of the family court act, as
6 added by chapter 7 of the laws of 1999, is amended to read as follows:

7 (a) In conjunction with, or at any time subsequent to, the filing of a
8 petition under section [ten hundred] ONE THOUSAND thirty-one of this
9 [chapter] PART, the social services official may file a motion upon
10 notice requesting a finding that reasonable efforts to return the child
11 to his or her home are no longer required.

12 S 4. Subdivision (a) of section 1041 of the family court act, as
13 amended by chapter 1015 of the laws of 1972, is amended to read as
14 follows:

15 (a) that the parent or other person legally responsible for the
16 child's care is present at the hearing and has been served with a copy
17 of the petition, UNLESS THE CHILD IS ALLEGED TO BE AN ABANDONED INFANT
18 PURSUANT TO SECTION ONE THOUSAND THIRTY-ONE-A OF THIS ARTICLE, IN WHICH
19 EVENT, THE PROVISIONS OF SUBPARAGRAPH (B) OF PARAGRAPH (I) OF SUBDIVI-
20 SION (D) OF SECTION ONE THOUSAND THIRTY-ONE-A OF THIS ARTICLE SHALL
21 APPLY; or

22 S 5. Section 1044 of the family court act, as added by chapter 962 of
23 the laws of 1970, is amended to read as follows:

24 S 1044. Definition of "fact-finding hearing". When used in this arti-
25 cle, "fact-finding hearing" means a hearing to determine whether the
26 child is an abused or neglected child OR AN ABANDONED INFANT as defined
27 by this article.

28 S 6. The family court act is amended by adding a new section 1051-a to
29 read as follows:

30 S 1051-A. SUSTAINING OR DISMISSING A PETITION ALLEGING A CHILD IS AN
31 ABANDONED INFANT. (A) AT THE FACT-FINDING HEARING SCHEDULED PURSUANT TO
32 SECTION ONE THOUSAND THIRTY-ONE-A OF THIS ARTICLE, THE COURT SHALL
33 DETERMINE THAT THE CHILD IS AN ABANDONED INFANT AND SUSTAIN THE PETITION
34 FILED UNDER SECTION ONE THOUSAND THIRTY-ONE-A OF THIS ARTICLE IF FACTS
35 SUFFICIENT TO CONSTITUTE CLEAR AND CONVINCING EVIDENCE ARE ESTABLISHED
36 TO FIND THAT THE CHILD WAS THIRTY DAYS OLD OR YOUNGER WHEN ABANDONED AND
37 THAT THE CHILD WAS LEFT IN A MANNER THAT INDICATED HIS OR HER PARENT'S
38 INTENT TO WHOLLY ABANDON SUCH CHILD BY RELINQUISHING AND FOREGOING
39 RESPONSIBILITY FOR AND RIGHTS TO THE CARE AND CUSTODY OF SUCH CHILD WITH
40 THE INTENT THAT THE CHILD BE SAFE FROM PHYSICAL INJURY AND CARED FOR IN
41 AN APPROPRIATE MANNER. FOR PURPOSES OF FINDING THAT THE CHILD WAS THIRTY
42 DAYS OLD OR YOUNGER WHEN ABANDONED, AN AFFIDAVIT OR OTHER OFFICIAL
43 RECORD OF A DETERMINATION OF A QUALIFIED HEALTH CARE PRACTITIONER,
44 LICENSED OR CERTIFIED UNDER TITLE EIGHT OF THE EDUCATION LAW, ACTING
45 WITHIN HIS OR HER LAWFUL SCOPE OF PRACTICE WHO EXAMINED THE CHILD THAT
46 SUCH CHILD WAS THIRTY DAYS OLD OR YOUNGER WHEN ABANDONED AND THE DATE OF
47 BIRTH OF THE CHILD, TO A REASONABLE DEGREE OF MEDICAL CERTAINTY; AN
48 AFFIDAVIT OR OFFICIAL RECORD, INCLUDING A POLICE REPORT OR TESTIMONY
49 REGARDING THE MANNER OF THE ABANDONMENT OF THE CHILD; AND AN AFFIDAVIT
50 OR OFFICIAL RECORD OF THE RESULT OF THE INQUIRIES MADE TO THE PUTATIVE
51 FATHER REGISTRY AND TO LOCAL LAW ENFORCEMENT OFFICIALS REGARDING A MISS-
52 ING PERSON REPORT, SHALL BE SUFFICIENT EVIDENCE OF THE CHILD'S AGE AND
53 DATE OF BIRTH AND THE INTENT TO WHOLLY ABANDON THE CHILD.

54 (B) IF THE COURT SUSTAINS THE PETITION AND FINDS THAT THE CHILD IS AN
55 ABANDONED INFANT, THE COURT SHALL DETERMINE AND FIND AND SHALL STATE IN
56 ITS ORDER:

1 (I) THAT THE CHILD WAS THIRTY DAYS OLD OR YOUNGER WHEN ABANDONED TO A
2 REASONABLE DEGREE OF MEDICAL CERTAINTY;

3 (II) THE DATE THE CHILD WAS BORN, TO A REASONABLE DEGREE OF MEDICAL
4 CERTAINTY;

5 (III) THAT THE CHILD WAS LEFT IN A MANNER THAT INDICATED HIS OR HER
6 PARENT'S INTENT TO WHOLLY ABANDON THE CHILD BY RELINQUISHING AND FOREGO-
7 ING RESPONSIBILITY FOR AND RIGHTS TO THE CARE AND CUSTODY OF SUCH CHILD
8 WITH THE INTENT THAT THE CHILD BE SAFE FROM PHYSICAL INJURY AND CARED
9 FOR IN AN APPROPRIATE MANNER;

10 (IV) THAT BASED UPON THE FINDINGS OF PARAGRAPHS (I) AND (III) OF THIS
11 SUBDIVISION, AGGRAVATED CIRCUMSTANCES WITHIN THE MEANING OF SUBDIVISION
12 (J) OF SECTION ONE THOUSAND TWELVE OF THIS ARTICLE EXIST; AND

13 (V) THAT BASED UPON SUCH FINDING OF AGGRAVATED CIRCUMSTANCES, REASON-
14 ABLE EFFORTS TO RETURN THE CHILD TO HIS OR HER HOME ARE NOT REQUIRED.

15 (C) IF FACTS SUFFICIENT TO SUSTAIN THE PETITION ARE NOT ESTABLISHED
16 DUE TO A DETERMINATION THAT EITHER THE CHILD WAS OLDER THAN THIRTY DAYS
17 AT THE TIME OF ABANDONMENT OR THE CHILD IS NOT OTHERWISE AN ABANDONED
18 INFANT AS PROVIDED IN THIS SECTION, THE COURT SHALL CONVERT THE PETITION
19 TO A PROCEEDING TO DETERMINE ABUSE OR NEGLECT PURSUANT TO SECTION ONE
20 THOUSAND THIRTY-ONE OF THIS ARTICLE AND SHALL STATE ON THE RECORD THE
21 GROUNDS FOR THE CONVERSION.

22 (I) THE COURT SHALL DETERMINE WHETHER TEMPORARY CUSTODY OF THE CHILD
23 TO THE LOCAL COMMISSIONER OF SOCIAL SERVICES SHALL CONTINUE UNTIL
24 FURTHER ORDER OF THE COURT. IN DETERMINING WHETHER REMOVAL OR CONTINUING
25 THE REMOVAL OF A CHILD IS NECESSARY TO AVOID IMMINENT RISK TO THE
26 CHILD'S LIFE OR HEALTH, THE COURT SHALL CONSIDER AND DETERMINE IN ITS
27 ORDER WHETHER CONTINUATION IN THE CHILD'S HOME WOULD BE CONTRARY TO THE
28 BEST INTERESTS OF THE CHILD AND WHERE APPROPRIATE, WHETHER REASONABLE
29 EFFORTS WERE MADE PRIOR TO THE DATE OF THE HEARING HELD UNDER SUBDIVI-
30 SION (A) OF THIS SECTION TO PREVENT OR ELIMINATE THE NEED FOR REMOVAL OF
31 THE CHILD FROM THE HOME AND, IF THE CHILD WAS REMOVED FROM HIS OR HER
32 HOME PRIOR TO THE DATE OF THE HEARING HELD UNDER SUBDIVISION (A) OF THIS
33 SECTION, WHERE APPROPRIATE, THAT REASONABLE EFFORTS WERE MADE TO MAKE IT
34 POSSIBLE FOR THE CHILD TO SAFELY RETURN HOME.

35 (II) IF THE COURT DETERMINES THAT REASONABLE EFFORTS TO PREVENT OR
36 ELIMINATE THE NEED FOR REMOVAL OF THE CHILD FROM THE HOME WERE NOT MADE
37 BUT THAT THE LACK OF SUCH EFFORTS WAS APPROPRIATE UNDER THE CIRCUM-
38 STANCES, THE COURT ORDER SHALL INCLUDE SUCH A FINDING.

39 (D) AT THE CONCLUSION OF THE DISPOSITIONAL HEARING THAT SHALL BE
40 COMMENCED IMMEDIATELY UPON COMPLETION OF THE FACT-FINDING HEARING WHEN
41 THE PETITION HAS BEEN SUSTAINED, THE COURT SHALL ENTER AN ORDER OF
42 DISPOSITION:

43 (I) PLACING THE CHILD IN THE CUSTODY OF THE LOCAL COMMISSIONER OF
44 SOCIAL SERVICES, WHO SHALL MAKE REASONABLE EFFORTS TO PLACE THE CHILD
45 INTO A PRE-ADOPTIVE HOME, IN ACCORDANCE WITH THE PROVISIONS OF SECTION
46 ONE THOUSAND FIFTY-FIVE OF THIS PART, UPON A DETERMINATION THAT:

47 (A) CONTINUATION IN THE CHILD'S HOME WOULD BE CONTRARY TO THE BEST
48 INTERESTS OF THE CHILD; AND

49 (B) WHERE THE COURT HAS DETERMINED THAT THE PARENT OF SUCH CHILD HAS
50 SUBJECTED THE CHILD TO AGGRAVATED CIRCUMSTANCES, AS DEFINED IN SUBDIVI-
51 SION (J) OF SECTION ONE THOUSAND TWELVE OF THIS ARTICLE, REASONABLE
52 EFFORTS TO PREVENT OR ELIMINATE THE NEED FOR REMOVING THE CHILD FROM THE
53 HOME OF THE CHILD OR TO MAKE IT POSSIBLE FOR THE CHILD TO RETURN SAFELY
54 TO HIS OR HER HOME ARE NOT REQUIRED;

55 (II) REQUIRING THE LOCAL COMMISSIONER OF SOCIAL SERVICES TO COMMENCE A
56 PROCEEDING TO COMMIT THE GUARDIANSHIP AND CUSTODY OF SUCH CHILD TO AN

1 AUTHORIZED AGENCY PURSUANT TO SECTION THREE HUNDRED EIGHTY-FOUR-B OF THE
2 SOCIAL SERVICES LAW WITHIN SIXTY DAYS; AND

3 (III) IF THE INITIAL PERMANENCY HEARING HAS NOT BEEN HELD, SETTING A
4 DATE CERTAIN FOR AN INITIAL PERMANENCY HEARING PURSUANT TO PARAGRAPH ONE
5 OF SUBDIVISION (B) OF SECTION ONE THOUSAND EIGHTY-NINE OF THIS ACT.

6 S 7. Paragraph (i) of subdivision (a) of section 1055 of the family
7 court act, as amended by section 12 of part G of chapter 58 of the laws
8 of 2010, is amended to read as follows:

9 (i) For purposes of section one thousand fifty-two of this part the
10 court may place the child in the custody of a relative or other suitable
11 person pursuant to this article, or of the local commissioner of social
12 services or of such other officer, board or department as may be author-
13 ized to receive children as public charges, or a duly authorized associ-
14 ation, agency, society or in an institution suitable for the placement
15 of a child. The court may also place a child who it finds to be a sexu-
16 ally exploited child as defined in subdivision one of section four
17 hundred forty-seven-a of the social services law with the local commis-
18 sioner of social services for placement in an available long-term safe
19 house. The court may also place the child in the custody of the local
20 commissioner of social services and may direct such commissioner to have
21 the child reside with a relative or other suitable person who has indi-
22 cated a desire to become a foster parent for the child and further
23 direct such commissioner, pursuant to regulations of the office of chil-
24 dren and family services, to commence an investigation of the home of
25 such relative or other suitable person within twenty-four hours and
26 thereafter expedite approval or certification of such relative or other
27 suitable person, if qualified, as a foster parent. If such home is found
28 to be unqualified for approval or certification, the local commissioner
29 shall report such fact to the court forthwith so that the court may make
30 a placement determination that is in the best interests of the child.
31 FOR PURPOSES OF SECTION ONE THOUSAND FIFTY-ONE-A OF THIS PART, THE COURT
32 MAY PLACE THE CHILD IN THE CUSTODY OF THE LOCAL COMMISSIONER OF SOCIAL
33 SERVICES OR OF SUCH OTHER OFFICER, BOARD OR DEPARTMENT AS MAY BE AUTHOR-
34 IZED TO RECEIVE CHILDREN AS PUBLIC CHARGES, OR A DULY AUTHORIZED ASSOCI-
35 ATION, AGENCY, SOCIETY OR IN AN INSTITUTION SUITABLE FOR THE PLACEMENT
36 OF A CHILD.

37 S 8. Paragraph (ii) of subdivision (b) of section 1055 of the family
38 court act, as amended by section 18 of part A of chapter 3 of the laws
39 of 2005, is amended to read as follows:

40 (ii) (A) Upon placing a child under the age of one, who has been aban-
41 doned AS DEFINED IN PARAGRAPH (II) OF SUBDIVISION (F) OF SECTION ONE
42 THOUSAND TWELVE OF THIS ARTICLE, with a local commissioner of social
43 services, the court shall, where either of the parents do not appear
44 after due notice, include in its order of disposition pursuant to
45 section one thousand fifty-two of this part, a direction that such
46 commissioner shall promptly commence a diligent search to locate the
47 child's non-appearing parent or parents or other known relatives who are
48 legally responsible for the child, and to commence a proceeding to
49 commit the guardianship and custody of such child to an authorized agen-
50 cy pursuant to section three hundred eighty-four-b of the social
51 services law, six months from the date that care and custody of the
52 child was transferred to the LOCAL commissioner, unless there has been
53 communication and visitation between such child and such parent or
54 parents or other known relatives or persons legally responsible for the
55 child. In addition to such diligent search, the local commissioner of
56 social services shall provide written notice to the child's parent or

1 parents or other known relatives or persons legally responsible as
2 provided for in this paragraph. Such notice shall be served upon such
3 parent or parents or other known relatives or persons legally responsi-
4 ble in the manner required for service of process pursuant to section
5 six hundred seventeen of this act. Information regarding such diligent
6 search, including, but not limited to, the name, last known address,
7 social security number, employer's address and any other identifying
8 information to the extent known regarding the non-appearing parent,
9 shall be recorded in the uniform case record maintained pursuant to
10 section four hundred nine-f of the social services law.

11 (B) THE REQUIREMENTS OF THIS PARAGRAPH SHALL NOT APPLY TO AN ABANDONED
12 INFANT, AS DEFINED IN SUBDIVISION (L) OF SECTION ONE THOUSAND TWELVE OF
13 THIS ARTICLE.

14 S 9. Subparagraph (i) of paragraph 1 of subdivision (b) of section
15 1089 of the family court act, as amended by chapter 437 of the laws of
16 2006, is amended to read as follows:

17 (i) the child's parent, including any non-respondent parent, unless
18 the parental rights of the parent have been terminated or surrendered,
19 OR UNLESS THE CHILD HAS BEEN ALLEGED OR FOUND TO BE AN ABANDONED INFANT
20 PURSUANT TO SECTION ONE THOUSAND THIRTY-ONE-A OF THIS ACT AND THE IDEN-
21 TITY OF THE PARENT OR PARENTS IS UNKNOWN, and any other person legally
22 responsible for the child's care at the most recent address or addresses
23 known to the local social services district or agency, and the foster
24 parent in whose home the child currently resides, each of whom shall be
25 a party to the proceeding; and

26 S 10. Subdivision (b) of section 1089 of the family court act is
27 amended by adding two new paragraphs 3 and 4 to read as follows:

28 (3) IN THE CASE OF A CHILD WHO IS NOT FREE FOR ADOPTION WHO HAS BEEN
29 ALLEGED OR FOUND TO BE AN ABANDONED INFANT PURSUANT TO SECTION ONE THOU-
30 SAND THIRTY-ONE-A OF THIS ACT WHERE THE IDENTITY OF THE PARENT OR
31 PARENTS IS UNKNOWN, THE LOCAL COMMISSIONER OF SOCIAL SERVICES SHALL
32 CAUSE NOTICE OF THE PERMANENCY HEARING TO BE PUBLISHED IN ACCORDANCE
33 WITH THE PROVISIONS OF RULE THREE HUNDRED SIXTEEN OF THE CIVIL PRACTICE
34 LAW AND RULES IN THE COUNTY IN WHICH SUCH CHILD WAS FOUND. THE NOTICE
35 SHALL STATE:

36 (I) THE DATE, TIME AND PURPOSE OF THE PROCEEDING;

37 (II) THE DATE, TIME AND PLACE THAT THE ABANDONED INFANT WAS FOUND;

38 (III) A DESCRIPTION OF THE INFANT INCLUDING ITS APPROXIMATE DATE OF
39 BIRTH;

40 (IV) THAT UPON FAILURE OF THE PARENT TO APPEAR THE CHILD MAY CONTINUE
41 TO BE PLACED INTO THE CARE AND CUSTODY OF THE COMMISSIONER OF THE LOCAL
42 SOCIAL SERVICES DISTRICT IN THE PARENT'S ABSENCE; AND

43 (V) THE NAME, ADDRESS, AND TELEPHONE NUMBER OF THE PERSON DESIGNATED
44 BY THE LOCAL COMMISSIONER OF SOCIAL SERVICES TO CONTACT FOR INFORMATION
45 REGARDING SUCH CHILD.

46 (4) IN THE CASE OF A CHILD WHO HAS BEEN ALLEGED OR FOUND TO BE AN
47 ABANDONED INFANT PURSUANT TO SECTION ONE THOUSAND THIRTY-ONE-A OF THIS
48 ACT BUT NOT LATER THAN SIX MONTHS AFTER THE INITIAL PUBLICATION OF
49 NOTICE OF SUCH PROCEEDING, IF THE MATERNITY OR PATERNITY OF A PERSON
50 CLAIMING TO BE THE MOTHER OR FATHER OF THE INFANT IS CONFIRMED BY A TEST
51 TO BE CONDUCTED TO CONFIRM MATERNITY OR PATERNITY,

52 (I) THE COURT SHALL ORDER AN INVESTIGATION PURSUANT TO SUBDIVISION ONE
53 OF SECTION ONE THOUSAND THIRTY-FOUR OF THIS ACT AND

54 (A) IF THERE ARE GROUNDS PURSUANT TO SUBDIVISION (E) OR (F) OF SECTION
55 ONE THOUSAND TWELVE OF THIS ACT TO FILE A PETITION TO DETERMINE ABUSE OR
56 NEGLECT PURSUANT TO SECTION ONE THOUSAND THIRTY-ONE OF THIS ACT, THE

1 LOCAL COMMISSIONER OF SOCIAL SERVICES SHALL FILE SUCH PETITION WITHIN
2 THREE COURT DAYS. UPON SUCH FILING, A HEARING PURSUANT TO SECTION ONE
3 THOUSAND TWENTY-SEVEN OF THIS ACT SHALL BE HELD FORTHWITH; OR

4 (B) IF THERE ARE NO GROUNDS TO FILE A PETITION PURSUANT TO SECTION ONE
5 THOUSAND THIRTY-ONE OF THIS ACT, THE COURT SHALL HOLD A BEST INTERESTS
6 HEARING AS TO WHETHER IT IS IN THE BEST INTERESTS OF THE CHILD TO RETURN
7 THE CHILD TO HIS OR HER HOME OR TO CONTINUE THE CUSTODY OF THE CHILD
8 WITH THE LOCAL COMMISSIONER OF SOCIAL SERVICES. EXCEPT FOR GOOD CAUSE
9 SHOWN SUCH HEARING SHALL COMMENCE WITHIN THREE COURT DAYS. THE CUSTODY
10 OF THE CHILD WITH THE LOCAL COMMISSIONER OF SOCIAL SERVICES SHALL
11 CONTINUE PENDING THE RESULT OF THE BEST INTERESTS HEARING;

12 (II) IF THE CHILD IS FREE FOR ADOPTION, THE COURT SHALL ALSO VACATE
13 THE ORDER COMMITTING GUARDIANSHIP AND CUSTODY OF THE CHILD.

14 S 11. Section 352 of the social services law is amended by adding a
15 new subdivision 4 to read as follows:

16 4. THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO THE PARENTS OF AN
17 ABANDONED INFANT AS DEFINED IN SUBDIVISION (L) OF SECTION ONE THOUSAND
18 TWELVE OF THE FAMILY COURT ACT AND SECTION THREE HUNDRED NINETY-TWO-A OF
19 THIS CHAPTER.

20 S 12. Subdivision 1 of section 352-a of the social services law is
21 amended by adding a new paragraph (g) to read as follows:

22 (G) THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO THE PARENTS OF
23 AN ABANDONED INFANT AS DEFINED IN SUBDIVISION (L) OF SECTION ONE THOU-
24 SAND TWELVE OF THE FAMILY COURT ACT AND SECTION THREE HUNDRED
25 NINETY-TWO-A OF THIS CHAPTER.

26 S 13. Subdivision 2 of section 371 of the social services law, as
27 amended by chapter 666 of the laws of 1976, is amended and a new subdi-
28 vision 2-a is added to read as follows:

29 2. "Abandoned child" means a child under the age of eighteen years who
30 is abandoned by both parents, or by the parent having [its] HIS OR HER
31 custody, or by any other person or persons lawfully charged with [its]
32 HIS OR HER care or custody, in accordance with the definition and other
33 criteria set forth in subdivision five of section three hundred eighty-
34 four-b OF THIS TITLE;

35 2-A. "ABANDONED INFANT" MEANS A CHILD AS DEFINED IN SUBDIVISION (L) OF
36 SECTION ONE THOUSAND TWELVE OF THE FAMILY COURT ACT AND SECTION THREE
37 HUNDRED NINETY-TWO-A OF THIS TITLE;

38 S 14. Paragraph (ii) of subdivision 4-a of section 371 of the social
39 services law, as added by chapter 782 of the laws of 1971, is amended to
40 read as follows:

41 (ii) who has been abandoned by his OR HER parents or other person
42 legally responsible for his OR HER care, INCLUDING AN ABANDONED CHILD AS
43 DEFINED IN SUBDIVISION TWO OR AN ABANDONED INFANT AS DEFINED IN SUBDIVI-
44 SION TWO-A OF THIS SECTION.

45 S 15. The opening paragraph and paragraphs (b), (c) and (d) of subdi-
46 vision 1 of section 372 of the social services law are amended to read
47 as follows:

48 Every court, and every public board, commission, institution, or offi-
49 cer having powers or charged with duties in relation to abandoned CHIL-
50 DREN, INCLUDING ABANDONED INFANTS, delinquent, destitute, neglected or
51 dependent children who shall receive, accept or commit any child shall
52 provide and keep a record showing:

53 (b) his OR HER sex and date and place of birth, if ascertainable, or
54 his OR HER apparent age AND IN THE CASE OF AN ABANDONED INFANT AS
55 DEFINED IN SUBDIVISION TWO-A OF SECTION THREE HUNDRED SEVENTY-ONE OF
56 THIS TITLE, THE AFFIDAVIT OR OTHER OFFICIAL RECORD OF THE DETERMINATION

1 OF A QUALIFIED HEALTH CARE PRACTITIONER, LICENSED OR CERTIFIED UNDER
2 TITLE EIGHT OF THE EDUCATION LAW, ACTING WITHIN HIS OR HER LAWFUL SCOPE
3 OF PRACTICE ATTESTING THAT THE CHILD WAS THIRTY DAYS OLD OR YOUNGER AT
4 THE TIME OF ABANDONMENT AND THE DATE OF BIRTH OF THE CHILD, TO A REASON-
5 ABLE DEGREE OF MEDICAL CERTAINTY,

6 (c) the full and true names and places of birth of his OR HER parents,
7 and their actual residence if living, or their latest known residence,
8 if deceased or whereabouts unknown and the name and actual residence of
9 any other person having custody of the child, as nearly as the same can
10 reasonably be ascertained, AND IN THE CASE OF AN ABANDONED INFANT AS
11 DEFINED IN SUBDIVISION TWO-A OF SECTION THREE HUNDRED SEVENTY-ONE OF
12 THIS TITLE, A CERTIFIED COPY OF THE COURT ORDER DETERMINING THAT THE
13 CHILD WAS AN ABANDONED INFANT PURSUANT TO SECTION ONE THOUSAND
14 FIFTY-ONE-A OF THE FAMILY COURT ACT,

15 (d) the religious faith of the parents and of the child, IF KNOWN,

16 S 16. Paragraph (e) of subdivision 3 of section 384-b of the social
17 services law, as amended by section 55 of part A of chapter 3 of the
18 laws of 2005, is amended to read as follows:

19 (e) (I) A proceeding under this section is originated by a petition on
20 notice served upon the child's parent or parents, the attorney for the
21 child's parent or parents and upon such other persons as the court may
22 in its discretion prescribe. Such notice shall inform the parents and
23 such other persons that the proceeding may result in an order freeing
24 the child for adoption without the consent of or notice to the parents
25 or such other persons. Such notice also shall inform the parents and
26 such other persons of their right to the assistance of counsel, includ-
27 ing any right they may have to have counsel assigned by the court in any
28 case where they are financially unable to obtain counsel. The petition
29 shall set forth the names and last known addresses of all persons
30 required to be given notice of the proceeding, pursuant to this section
31 and section three hundred eighty-four-c of this title, and there shall
32 be shown by the petition or by affidavit or other proof satisfactory to
33 the court that there are no persons other than those set forth in the
34 petition who are entitled to notice pursuant to the provisions of this
35 section or of section three hundred eighty-four-c of this title. When
36 the proceeding is initiated in family court service of the petition and
37 other process shall be made in accordance with the provisions of section
38 six hundred seventeen of the family court act, and when the proceeding
39 is initiated in surrogate's court, service shall be made in accordance
40 with the provisions of section three hundred seven of the surrogate's
41 court procedure act. When the proceeding is initiated on the grounds of
42 abandonment of a child less than one year of age at the time of the
43 transfer of the care and custody of such child to a local social
44 services official, the court shall take judicial notice of efforts to
45 locate the child's parents or other known relatives or other persons
46 legally responsible pursuant to paragraph (ii) of subdivision (b) of
47 section one thousand fifty-five of the family court act. THE PROVISIONS
48 OF THIS PARAGRAPH SHALL NOT APPLY TO A CHILD DETERMINED TO BE AN ABAN-
49 DONED INFANT AS DEFINED IN SUBDIVISION TWO-A OF SECTION THREE HUNDRED
50 SEVENTY-ONE OF THIS TITLE.

51 (II) IF THE IDENTITY OF THE PARENTS OF THE CHILD IS UNKNOWN, AND THE
52 CHILD HAS BEEN FOUND TO BE AN ABANDONED INFANT PURSUANT TO SUBDIVISION
53 (L) OF SECTION ONE THOUSAND TWELVE OR SECTION ONE THOUSAND THIRTY-ONE-A
54 OF THE FAMILY COURT ACT, THE COURT UPON RECEIPT OF THE PETITION SHALL
55 REQUIRE THE LOCAL COMMISSIONER TO CAUSE NOTICE TO BE PUBLISHED IN
56 ACCORDANCE WITH THE PROVISIONS OF RULE THREE HUNDRED SIXTEEN OF THE

CIVIL PRACTICE LAW AND RULES IN THE COUNTY IN WHICH SUCH CHILD WAS FOUND, FOR A PERIOD OF AT LEAST THIRTY DAYS. THE NOTICE SHALL STATE:

(A) THE DATE, TIME AND PURPOSE OF THE PROCEEDING;

(B) THE DATE, TIME AND PLACE THAT THE ABANDONED NEWBORN INFANT WAS FOUND;

(C) A DESCRIPTION OF THE INFANT INCLUDING ITS APPROXIMATE DATE OF BIRTH;

(D) THAT UPON FAILURE TO APPEAR, ALL PARENTAL RIGHTS OF THE PARENTS OF SUCH ABANDONED NEWBORN INFANT MAY BE TERMINATED;

(E) THAT A PARENT'S FAILURE TO APPEAR SHALL CONSTITUTE A DENIAL OF HIS OR HER INTEREST IN THE CHILD, WHICH DENIAL MAY RESULT, WITHOUT FURTHER NOTICE, IN THE COMMITMENT OF THE CUSTODY AND GUARDIANSHIP OF THE CHILD TO THE LOCAL COMMISSIONER OF SOCIAL SERVICES AND IN THE CHILD'S ADOPTION; AND

(F) THE NAME, ADDRESS, AND TELEPHONE NUMBER OF THE PERSON DESIGNATED BY THE LOCAL COMMISSIONER TO CONTACT FOR INFORMATION REGARDING SUCH CHILD.

(III) AT ANY TIME PRIOR TO OR SUBSEQUENT TO THE ENTRY OF AN ORDER COMMITTING THE GUARDIANSHIP AND CUSTODY OF THE CHILD PURSUANT TO THIS SECTION BUT NOT LATER THAN SIX MONTHS AFTER THE INITIAL PUBLICATION OF NOTICE OF THE PROCEEDING PURSUANT TO SECTION ONE THOUSAND THIRTY-ONE-A OF THE FAMILY COURT ACT, IF THE MATERNITY OR PATERNITY OF A PERSON CLAIMING TO BE THE MOTHER OR FATHER OF THE INFANT IS CONFIRMED BY A TEST TO BE CONDUCTED TO CONFIRM MATERNITY OR PATERNITY, THE PROCEEDING SHALL BE STAYED PENDING AN INVESTIGATION PURSUANT TO SUBDIVISION ONE OF SECTION ONE THOUSAND THIRTY-FOUR OF THE FAMILY COURT ACT. WITHIN THREE COURT DAYS OF THE COMPLETION OF THE INVESTIGATION,

(A) IF THERE ARE GROUNDS PURSUANT TO SUBDIVISION (E) OR (F) OF SECTION ONE THOUSAND TWELVE OF THE FAMILY COURT ACT TO FILE A PETITION TO DETERMINE ABUSE OR NEGLECT PURSUANT TO SECTION ONE THOUSAND THIRTY-ONE OF THE FAMILY COURT ACT, THE LOCAL COMMISSIONER OF SOCIAL SERVICES SHALL FILE SUCH PETITION, OR

(B) IF THERE ARE NO SUCH GROUNDS, THE COURT SHALL HOLD A HEARING AS TO THE BEST INTERESTS OF THE CHILD.

(IV) THE CUSTODY OF THE CHILD WITH THE LOCAL COMMISSIONER OF SOCIAL SERVICES SHALL CONTINUE PENDING THE RESULT OF THE BEST INTERESTS HEARING.

(V) IF THE CHILD IS FREE FOR ADOPTION, THE COURT SHALL VACATE THE ORDER COMMITTING GUARDIANSHIP AND CUSTODY OF THE CHILD.

S 17. Subparagraph (iii) of paragraph (1) of subdivision 3 of section 384-b of the social services law, as amended by chapter 145 of the laws of 2000, is amended and a new subparagraph (vi) is added to read as follows:

(iii) For the purposes of this paragraph, the date of the child's entry into foster care is the earlier of sixty days after the date on which the child was removed from the home or the date the child was found by a court to be an ABANDONED INFANT, OR AN abused or neglected child pursuant to article ten of the family court act.

(VI) FOR THE PURPOSES OF THIS PARAGRAPH, A PETITION FOR TERMINATION OF PARENTAL RIGHTS SHALL BE FILED WITHIN SIXTY DAYS AFTER A COURT'S DETERMINATION THAT THE CHILD IS AN ABANDONED INFANT PURSUANT TO SECTION ONE THOUSAND FIFTY-ONE-A OF THE FAMILY COURT ACT.

S 18. Paragraphs (d) and (e) of subdivision 4 of section 384-b of the social services law, 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, are amended and a new paragraph (f) is added to read as follows:

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

(e) 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[.]; OR

(F) THE PARENT OR PARENTS ABANDONED THE CHILD WHEN THE CHILD WAS THIRTY DAYS OLD OR YOUNGER IN A MANNER THAT INDICATED THE PARENT'S OR PARENTS' INTENT TO WHOLLY RELINQUISH AND FORGO RESPONSIBILITY FOR AND RIGHTS TO THE CARE AND CUSTODY OF SUCH CHILD WITH THE INTENT THAT THE CHILD BE SAFE FROM PHYSICAL INJURY AND CARED FOR IN AN APPROPRIATE MANNER, AND SUCH PARENT OR PARENTS, AFTER A PERIOD OF TWO MONTHS FROM THE DATE OF ABANDONMENT, HAVE NOT COMMUNICATED WITH THE CHILD OR AGENCY REGARDING THE CHILD.

S 19. Subdivision 5 of section 384-b of the social services law is amended by adding a new paragraph (c) to read as follows:

(C) THE PROVISIONS OF THIS SUBDIVISION SHALL NOT APPLY TO AN ABANDONED INFANT AS DEFINED IN SUBDIVISION TWO-A OF SECTION THREE HUNDRED SEVENTY-ONE OF THIS TITLE.

S 20. Title 1 of article 6 of the social services law is amended by adding a new section 392-a to read as follows:

S 392-A. ABANDONED INFANTS; SPECIAL PROVISIONS. 1. A CHILD IS AN "ABANDONED INFANT" WHERE A COURT OF COMPETENT JURISDICTION HAS DETERMINED PURSUANT TO SECTION ONE THOUSAND FIFTY-ONE-A OF THE FAMILY COURT ACT THAT SUCH CHILD IS AN ABANDONED INFANT.

2. (A) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, UPON NOTIFICATION THAT AN ALLEGED ABANDONED INFANT IS FOUND WITHIN THE COUNTY OR JURISDICTION, THE LOCAL COMMISSIONER SHALL:

(I) IMMEDIATELY CAUSE A PHYSICAL EXAMINATION OF THE CHILD TO BE PERFORMED BY A QUALIFIED HEALTH CARE PRACTITIONER, LICENSED OR CERTIFIED UNDER TITLE EIGHT OF THE EDUCATION LAW, ACTING WITHIN HIS OR HER LAWFUL SCOPE OF PRACTICE TO DETERMINE THE HEALTH STATUS OF THE CHILD AND THE AGE AND DATE OF BIRTH OF THE CHILD TO A REASONABLE DEGREE OF MEDICAL CERTAINTY. SUCH HEALTH CARE PRACTITIONER SHALL CERTIFY BY AFFIDAVIT OR OTHER OFFICIAL RECORD HIS OR HER REASONABLE MEDICAL CONCLUSION AS TO WHETHER THE CHILD WAS THIRTY DAYS OLD OR YOUNGER WHEN ABANDONED AND THE CHILD'S DATE OF BIRTH. THE AFFIDAVIT OR OTHER OFFICIAL RECORD OF THE DETERMINATION SHALL BE PLACED IN THE INFANT'S RECORDS IN PLACE OF THOSE REQUIRED BY SUBDIVISION ONE OF SECTION THREE HUNDRED SEVENTY-TWO OF THIS TITLE; AND

(II) FORTHWITH COMMENCE A PROCEEDING PURSUANT TO SECTION ONE THOUSAND THIRTY-ONE-A OF THE FAMILY COURT ACT.

(B) UPON ASSUMPTION OF PROTECTIVE CUSTODY OF A CHILD ALLEGED TO BE AN "ABANDONED INFANT" THE LOCAL COMMISSIONER SHALL:

(I) PROVIDE NECESSARY SERVICES OR ASSISTANCE, INCLUDING AUTHORIZING A QUALIFIED HEALTH CARE PRACTITIONER, LICENSED OR CERTIFIED UNDER TITLE EIGHT OF THE EDUCATION LAW, ACTING WITHIN HIS OR HER LAWFUL SCOPE OF PRACTICE OR HOSPITAL TO PROVIDE EMERGENCY MEDICAL TREATMENT OR SURGICAL PROCEDURES NECESSARY TO SAFEGUARD THE LIFE OR HEALTH OF THE CHILD;

(II) AT THE TIME OF ASSUMPTION OF CUSTODY OF THE CHILD, AT THE TIME OF THE FACT-FINDING HEARING AND AT THE TIME OF THE DISPOSITIONAL HEARING REGARDING THE PETITION TO COMMIT GUARDIANSHIP AND CUSTODY OF THE CHILD TO AN AUTHORIZED AGENCY PURSUANT TO SECTION THREE HUNDRED EIGHTY-FOUR-B OF THIS TITLE, MAKE INQUIRY OF THE PUTATIVE FATHER REGISTRY REGARDING THE EXISTENCE OF A NOTICE OF INTENT FILED WITH THE REGISTRY THAT MAY PERTAIN TO THE CHILD AND OF LOCAL LAW ENFORCEMENT OFFICIALS REGARDING THE EXISTENCE OF A MISSING PERSON REPORT THAT MAY PERTAIN TO THE CHILD. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE LOCAL COMMISSIONER SHALL NOT BE REQUIRED TO PURSUE ANY OTHER EFFORTS TO LOCATE THE PARENTS OR RELATIVES OF SUCH CHILD;

(III) PUBLICIZE: (A) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IN AN EFFORT TO ALLOW A PARENT OR OTHER RELATIVE OF THE CHILD TO COME FORWARD, THE ABANDONMENT OF THE CHILD THROUGH LOCAL MEDIA OUTLETS AND SPECIFICALLY IN THE COMMUNITY WHERE THE ABANDONMENT OCCURRED WITH THE INFORMATION REGARDING THE CHILD TO BE PROVIDED AT THE DISCRETION OF THE LOCAL COMMISSIONER, INCLUDING, BUT NOT LIMITED TO PHOTOS OF THE CHILD; AND (B) THE AVAILABILITY OF (1) PREVENTION SERVICES, PERSONAL COUNSELING AND SUPPORT SERVICES AS CONTEMPLATED UNDER TITLES FOUR AND FOUR-B OF THIS ARTICLE; (2) INFORMATION AND REFERRAL SERVICES, ADVOCACY, COUNSELING AND HOTLINE SERVICES TO VICTIMS OF DOMESTIC VIOLENCE AS CONTEMPLATED UNDER SECTION FOUR HUNDRED FIFTY-NINE-C OF THIS CHAPTER; AND (3) SAFE PLACEMENT ALTERNATIVES FOR NEWBORN INFANTS AS PROVIDED UNDER THIS SECTION AND SECTION ONE THOUSAND THIRTY-ONE-A OF THE FAMILY COURT ACT, INCLUDING INFORMATION REGARDING TERMINATION OF PARENTAL RIGHTS AND ADOPTION PROCEDURES AND THAT AN ABANDONED INFANT IS NOT A NEGLECTED CHILD UNDER THIS CHAPTER OR THE FAMILY COURT ACT; AND

(IV) IF THE MATERNITY OR PATERNITY OF A PERSON CLAIMING TO BE THE MOTHER OR FATHER OF THE INFANT IS CONFIRMED BY A TEST TO BE CONDUCTED TO CONFIRM MATERNITY OR PATERNITY, CONDUCT AN INVESTIGATION PURSUANT TO SUBDIVISION ONE OF SECTION ONE THOUSAND THIRTY-FOUR OF THE FAMILY COURT ACT AND IF THERE ARE NO GROUNDS PURSUANT TO SUBDIVISION (E) OR (F) OF SECTION ONE THOUSAND TWELVE OF THE FAMILY COURT ACT, WITHDRAW THE PETITION TO DETERMINE WHETHER A CHILD IS AN ABANDONED INFANT PURSUANT TO SUBDIVISION (1) OF SECTION ONE THOUSAND TWELVE OF THE FAMILY COURT ACT. IF THERE ARE GROUNDS PURSUANT TO SUBDIVISION (E) AND (F) OF SECTION ONE THOUSAND TWELVE OF THE FAMILY COURT ACT, THE LOCAL COMMISSIONER OF SOCIAL SERVICES SHALL FILE A PETITION TO DETERMINE ABUSE OR NEGLECT PURSUANT TO SECTION ONE THOUSAND THIRTY-ONE OF THE FAMILY COURT ACT WITHIN THREE COURT DAYS OF THE COMPLETION OF THE INVESTIGATION.

S 21. Section 372-g of the social services law, as added by chapter 156 of the laws of 2000, is amended to read as follows:

S 372-g. Abandoned infant protection program. 1. The office of children and family services shall develop and implement a public information program to inform the general public of the provisions of the abandoned infant protection act AND THE AVAILABILITY OF SAFE PLACEMENT ALTERNATIVES FOR NEWBORN INFANTS AS PROVIDED UNDER SECTION THREE HUNDRED NINETY-TWO-A OF THIS TITLE AND SECTION ONE THOUSAND THIRTY-ONE-A OF THE FAMILY COURT ACT, INCLUDING INFORMATION REGARDING TERMINATION OF PARENTAL RIGHTS AND ADOPTION PROCEDURES AND THAT AN ABANDONED INFANT IS NOT A NEGLECTED CHILD UNDER THIS CHAPTER OR THE FAMILY COURT ACT. SUCH PUBLIC INFORMATION PROGRAM SHALL ALSO INFORM THE GENERAL PUBLIC OF THE AVAILABILITY OF PREVENTION SERVICES, PERSONAL COUNSELING AND SUPPORT SERVICES AS CONTEMPLATED UNDER TITLES FOUR AND FOUR-B OF THIS ARTICLE, AND INFORMATION AND REFERRAL SERVICES, ADVOCACY, COUNSELING AND HOTLINE SERVICES TO VICTIMS OF DOMESTIC VIOLENCE AS CONTEMPLATED UNDER SECTION

1 FOUR HUNDRED FIFTY-NINE-C OF THIS CHAPTER. The program may include but
2 not be limited to the following elements:
3 [1.] (A) educational and informational materials in print, audio,
4 video, electronic, or other media;
5 [2.] (B) public service announcements and advertisements; and
6 [3.] (C) establishment of toll-free telephone hotlines to provide
7 information.
8 2. THE OFFICE OF CHILDREN AND FAMILY SERVICES SHALL DEVELOP AND IMPL-
9 MENT THE PUBLIC INFORMATION PROGRAM WITHIN AMOUNTS APPROPRIATED OR
10 AVAILABLE BY THE STATE.
11 S 22. This act shall take effect on the one hundred eightieth day
12 after it shall have become a law.