

2712

2011-2012 Regular Sessions

I N S E N A T E

January 31, 2011

Introduced by Sen. SALAND -- read twice and ordered printed, and when printed to be committed 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
19 foregoing proceedings was the same; or where the court finds by clear
20 and convincing evidence that the parent of a child in foster care has
21 refused and has failed completely, over a period of at least six months
22 from the date of removal, to engage in services necessary to eliminate
23 the risk of abuse or neglect if returned to the parent, and has failed
24 to secure services on his or her own or otherwise adequately prepare for
25 the return home and, after being informed by the court that such an

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

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1 admission could eliminate the requirement that the local department of
2 social services provide reunification services to the parent, the parent
3 has stated in court under oath that he or she intends to continue to
4 refuse such necessary services and is unwilling to secure such services
5 independently or otherwise prepare for the child's return home;
6 provided, however, that if the court finds that adequate justification
7 exists for the failure to engage in or secure such services, including
8 but not limited to a lack of child care, a lack of transportation, and
9 an inability to attend services that conflict with the parent's work
10 schedule, such failure shall not constitute an aggravated circumstance;
11 or where a court has determined a child [five] THIRTY days old or young-
12 er was abandoned by a parent with an intent to wholly abandon such child
13 and with the intent that the child be safe from physical injury and
14 cared for in an appropriate manner.

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

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

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

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

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

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

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

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

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

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

50 (B) REQUIRE THE LOCAL COMMISSIONER OF SOCIAL SERVICES TO CAUSE NOTICE
51 OF THE PROCEEDING TO BE PUBLISHED IN ACCORDANCE WITH THE PROVISIONS OF
52 SUBDIVISION (A) OF RULE THREE HUNDRED SIXTEEN OF THE CIVIL PRACTICE LAW
53 AND RULES IN THE COUNTY IN WHICH SUCH CHILD WAS FOUND, AT LEAST ONCE IN
54 EACH OF THREE SUCCESSIVE WEEKS. SERVICE BY PUBLICATION IS COMPLETE ON
55 THE TWENTY-FIRST DAY AFTER THE DAY OF THE FIRST PUBLICATION. THE NOTICE
56 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 HEARING PURSUANT TO SECTION ONE THOUSAND TWENTY-SEVEN OF THIS ARTICLE SHALL BE HELD FORTHWITH.

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

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

(a) In conjunction with, or at any time subsequent to, the filing of a petition under section [ten hundred] ONE THOUSAND thirty-one of this

1 [chapter] PART, the social services official may file a motion upon
2 notice requesting a finding that reasonable efforts to return the child
3 to his or her home are no longer required.

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

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

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

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

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

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

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

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

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

53 (III) THAT THE CHILD WAS LEFT IN A MANNER THAT INDICATED HIS OR HER
54 PARENT'S INTENT TO WHOLLY ABANDON THE CHILD BY RELINQUISHING AND FOREGO-
55 ING RESPONSIBILITY FOR AND RIGHTS TO THE CARE AND CUSTODY OF SUCH CHILD

1 WITH THE INTENT THAT THE CHILD BE SAFE FROM PHYSICAL INJURY AND CARED
2 FOR IN AN APPROPRIATE MANNER;

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

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

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

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

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

32 (D) AT THE CONCLUSION OF THE DISPOSITIONAL HEARING THAT SHALL BE
33 COMMENCED IMMEDIATELY UPON COMPLETION OF THE FACT-FINDING HEARING WHEN
34 THE PETITION HAS BEEN SUSTAINED, THE COURT SHALL ENTER AN ORDER OF
35 DISPOSITION:

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

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

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

48 (II) REQUIRING THE LOCAL COMMISSIONER OF SOCIAL SERVICES TO COMMENCE A
49 PROCEEDING TO COMMIT THE GUARDIANSHIP AND CUSTODY OF SUCH CHILD TO AN
50 AUTHORIZED AGENCY PURSUANT TO SECTION THREE HUNDRED EIGHTY-FOUR-B OF THE
51 SOCIAL SERVICES LAW WITHIN SIXTY DAYS; AND

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

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

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

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

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

1 search, including, but not limited to, the name, last known address,
2 social security number, employer's address and any other identifying
3 information to the extent known regarding the non-appearing parent,
4 shall be recorded in the uniform case record maintained pursuant to
5 section four hundred nine-f of the social services law.

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

9 S 9. Subparagraph (i) of paragraph 1 of subdivision (b) of section
10 1089 of the family court act, as amended by chapter 437 of the laws of
11 2006, is amended to read as follows:

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

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

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

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

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

33 (III) A DESCRIPTION OF THE INFANT INCLUDING ITS APPROXIMATE DATE OF
34 BIRTH;

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

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

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

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

49 (A) IF THERE ARE GROUNDS PURSUANT TO SUBDIVISION (E) OR (F) OF SECTION
50 ONE THOUSAND TWELVE OF THIS ACT TO FILE A PETITION TO DETERMINE ABUSE OR
51 NEGLECT PURSUANT TO SECTION ONE THOUSAND THIRTY-ONE OF THIS ACT, THE
52 LOCAL COMMISSIONER OF SOCIAL SERVICES SHALL FILE SUCH PETITION WITHIN
53 THREE COURT DAYS. UPON SUCH FILING, A HEARING PURSUANT TO SECTION ONE
54 THOUSAND TWENTY-SEVEN OF THIS ACT SHALL BE HELD FORTHWITH; OR

55 (B) IF THERE ARE NO GROUNDS TO FILE A PETITION PURSUANT TO SECTION ONE
56 THOUSAND THIRTY-ONE OF THIS ACT, THE COURT SHALL HOLD A BEST INTERESTS

1 HEARING AS TO WHETHER IT IS IN THE BEST INTERESTS OF THE CHILD TO RETURN
2 THE CHILD TO HIS OR HER HOME OR TO CONTINUE THE CUSTODY OF THE CHILD
3 WITH THE LOCAL COMMISSIONER OF SOCIAL SERVICES. EXCEPT FOR GOOD CAUSE
4 SHOWN SUCH HEARING SHALL COMMENCE WITHIN THREE COURT DAYS. THE CUSTODY
5 OF THE CHILD WITH THE LOCAL COMMISSIONER OF SOCIAL SERVICES SHALL
6 CONTINUE PENDING THE RESULT OF THE BEST INTERESTS HEARING;

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

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

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

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

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

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

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

30 2-A. "ABANDONED INFANT" MEANS A CHILD AS DEFINED IN SUBDIVISION (L) OF
31 SECTION ONE THOUSAND TWELVE OF THE FAMILY COURT ACT AND SECTION THREE
32 HUNDRED NINETY-TWO-A OF THIS TITLE;

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

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

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

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

48 (b) his OR HER sex and date and place of birth, if ascertainable, or
49 his OR HER apparent age AND IN THE CASE OF AN ABANDONED INFANT AS
50 DEFINED IN SUBDIVISION TWO-A OF SECTION THREE HUNDRED SEVENTY-ONE OF
51 THIS TITLE, THE AFFIDAVIT OR OTHER OFFICIAL RECORD OF THE DETERMINATION
52 OF A QUALIFIED HEALTH CARE PRACTITIONER, LICENSED OR CERTIFIED UNDER
53 TITLE EIGHT OF THE EDUCATION LAW, ACTING WITHIN HIS OR HER LAWFUL SCOPE
54 OF PRACTICE ATTESTING THAT THE CHILD WAS THIRTY DAYS OLD OR YOUNGER AT
55 THE TIME OF ABANDONMENT AND THE DATE OF BIRTH OF THE CHILD, TO A REASON-
56 ABLE DEGREE OF MEDICAL CERTAINTY,

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

10 (d) the religious faith of the parents and of the child, IF KNOWN,
11 S 16. Paragraph (e) of subdivision 3 of section 384-b of the social
12 services law, as amended by section 55 of part A of chapter 3 of the
13 laws of 2005, is amended to read as follows:

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

46 (II) IF THE IDENTITY OF THE PARENTS OF THE CHILD IS UNKNOWN, AND THE
47 CHILD HAS BEEN FOUND TO BE AN ABANDONED INFANT PURSUANT TO SUBDIVISION
48 (L) OF SECTION ONE THOUSAND TWELVE OR SECTION ONE THOUSAND THIRTY-ONE-A
49 OF THE FAMILY COURT ACT, THE COURT UPON RECEIPT OF THE PETITION SHALL
50 REQUIRE THE LOCAL COMMISSIONER TO CAUSE NOTICE TO BE PUBLISHED IN
51 ACCORDANCE WITH THE PROVISIONS OF RULE THREE HUNDRED SIXTEEN OF THE
52 CIVIL PRACTICE LAW AND RULES IN THE COUNTY IN WHICH SUCH CHILD WAS
53 FOUND, FOR A PERIOD OF AT LEAST THIRTY DAYS. THE NOTICE SHALL STATE:

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

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

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

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

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

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

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

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

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

30 (IV) THE CUSTODY OF THE CHILD WITH THE LOCAL COMMISSIONER OF SOCIAL
31 SERVICES SHALL CONTINUE PENDING THE RESULT OF THE BEST INTERESTS HEAR-
32 ING.

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

35 S 17. Subparagraph (iii) of paragraph (1) of subdivision 3 of section
36 384-b of the social services law, as amended by chapter 145 of the laws
37 of 2000, is amended and a new subparagraph (vi) is added to read as
38 follows:

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

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

48 S 18. Paragraphs (d) and (e) of subdivision 4 of section 384-b of the
49 social services law, paragraph (d) as amended by chapter 739 of the laws
50 of 1981 and paragraph (e) as amended by section 56 of part A of chapter
51 3 of the laws of 2005, are amended and a new paragraph (f) is added to
52 read as follows:

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

54 (e) The parent or parents, whose consent to the adoption of the child
55 would otherwise be required in accordance with section one hundred elev-
56 en of the domestic relations law, severely or repeatedly abused such

1 child. Where a court has determined that reasonable efforts to reunite
2 the child with his or her parent are not required, pursuant to the fami-
3 ly court act or this chapter, a petition to terminate parental rights on
4 the ground of severe abuse as set forth in subparagraph (iii) of para-
5 graph (a) of subdivision eight of this section may be filed immediately
6 upon such determination[.]; OR

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

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

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

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

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

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

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

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

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

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

50 (II) AT THE TIME OF ASSUMPTION OF CUSTODY OF THE CHILD, AT THE TIME OF
51 THE FACT-FINDING HEARING AND AT THE TIME OF THE DISPOSITIONAL HEARING
52 REGARDING THE PETITION TO COMMIT GUARDIANSHIP AND CUSTODY OF THE CHILD
53 TO AN AUTHORIZED AGENCY PURSUANT TO SECTION THREE HUNDRED EIGHTY-FOUR-B
54 OF THIS TITLE, MAKE INQUIRY OF THE PUTATIVE FATHER REGISTRY REGARDING
55 THE EXISTENCE OF A NOTICE OF INTENT FILED WITH THE REGISTRY THAT MAY
56 PERTAIN TO THE CHILD AND OF LOCAL LAW ENFORCEMENT OFFICIALS REGARDING

1 THE EXISTENCE OF A MISSING PERSON REPORT THAT MAY PERTAIN TO THE CHILD.
2 NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE LOCAL COMMISSIONER SHALL
3 NOT BE REQUIRED TO PURSUE ANY OTHER EFFORTS TO LOCATE THE PARENTS OR
4 RELATIVES OF SUCH CHILD;

5 (III) PUBLICIZE: (A) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IN AN
6 EFFORT TO ALLOW A PARENT OR OTHER RELATIVE OF THE CHILD TO COME FORWARD,
7 THE ABANDONMENT OF THE CHILD THROUGH LOCAL MEDIA OUTLETS AND SPECIF-
8 ICALLY IN THE COMMUNITY WHERE THE ABANDONMENT OCCURRED WITH THE INFORMA-
9 TION REGARDING THE CHILD TO BE PROVIDED AT THE DISCRETION OF THE LOCAL
10 COMMISSIONER, INCLUDING, BUT NOT LIMITED TO PHOTOS OF THE CHILD; AND (B)
11 THE AVAILABILITY OF (1) PREVENTION SERVICES, PERSONAL COUNSELING AND
12 SUPPORT SERVICES AS CONTEMPLATED UNDER TITLES FOUR AND FOUR-B OF THIS
13 ARTICLE; (2) INFORMATION AND REFERRAL SERVICES, ADVOCACY, COUNSELING AND
14 HOTLINE SERVICES TO VICTIMS OF DOMESTIC VIOLENCE AS CONTEMPLATED UNDER
15 SECTION FOUR HUNDRED FIFTY-NINE-C OF THIS CHAPTER; AND (3) SAFE PLACE-
16 MENT ALTERNATIVES FOR NEWBORN INFANTS AS PROVIDED UNDER THIS SECTION AND
17 SECTION ONE THOUSAND THIRTY-ONE-A OF THE FAMILY COURT ACT, INCLUDING
18 INFORMATION REGARDING TERMINATION OF PARENTAL RIGHTS AND ADOPTION PROCE-
19 DURES AND THAT AN ABANDONED INFANT IS NOT A NEGLECTED CHILD UNDER THIS
20 CHAPTER OR THE FAMILY COURT ACT; AND

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

34 S 21. Section 372-g of the social services law, as added by chapter
35 156 of the laws of 2000, is amended to read as follows:

36 S 372-g. Abandoned infant protection program. 1. The office of chil-
37 dren and family services shall develop and implement a public informa-
38 tion program to inform the general public of the provisions of the aban-
39 doned infant protection act AND THE AVAILABILITY OF SAFE PLACEMENT
40 ALTERNATIVES FOR NEWBORN INFANTS AS PROVIDED UNDER SECTION THREE HUNDRED
41 NINETY-TWO-A OF THIS TITLE AND SECTION ONE THOUSAND THIRTY-ONE-A OF THE
42 FAMILY COURT ACT, INCLUDING INFORMATION REGARDING TERMINATION OF
43 PARENTAL RIGHTS AND ADOPTION PROCEDURES AND THAT AN ABANDONED INFANT IS
44 NOT A NEGLECTED CHILD UNDER THIS CHAPTER OR THE FAMILY COURT ACT. SUCH
45 PUBLIC INFORMATION PROGRAM SHALL ALSO INFORM THE GENERAL PUBLIC OF THE
46 AVAILABILITY OF PREVENTION SERVICES, PERSONAL COUNSELING AND SUPPORT
47 SERVICES AS CONTEMPLATED UNDER TITLES FOUR AND FOUR-B OF THIS ARTICLE,
48 AND INFORMATION AND REFERRAL SERVICES, ADVOCACY, COUNSELING AND HOTLINE
49 SERVICES TO VICTIMS OF DOMESTIC VIOLENCE AS CONTEMPLATED UNDER SECTION
50 FOUR HUNDRED FIFTY-NINE-C OF THIS CHAPTER. The program may include but
51 not be limited to the following elements:

52 [1.] (A) educational and informational materials in print, audio,
53 video, electronic, or other media;
54 [2.] (B) public service announcements and advertisements; and
55 [3.] (C) establishment of toll-free telephone hotlines to provide
56 information.

1 2. THE OFFICE OF CHILDREN AND FAMILY SERVICES SHALL DEVELOP AND IMPLE-
2 MENT THE PUBLIC INFORMATION PROGRAM WITHIN AMOUNTS APPROPRIATED OR
3 AVAILABLE BY THE STATE.

4 S 22. This act shall take effect on the one hundred eightieth day
5 after it shall have become a law.