

7060

I N S E N A T E

April 23, 2014

Introduced by Sens. FELDER, GOLDEN -- 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 and the family court act, in
relation to a presumption of neglect against a child in certain
circumstances

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

1 Section 1. Paragraph (ii) of subdivision 4-a of section 371 of the
2 social services law, as added by chapter 782 of the laws of 1971, is
3 amended and a new paragraph (iii) is added to read as follows:

4 (ii) who has been abandoned by his parents or other person legally
5 responsible for his OR HER care[.]; OR

6 (III) IN THE CASE OF A NEWBORN, IF IT IS ESTABLISHED THROUGH TESTS OF
7 SUCH CHILD'S BLOOD OR URINE OR THROUGH SIMILAR TESTS OF THE NEWBORN
8 CHILD THAT SUCH CHILD WAS EXPOSED TO CONTROLLED SUBSTANCES, AS DEFINED
9 IN SUBDIVISION FIVE OF SECTION 220.00 OF THE PENAL LAW, THAT WERE NOT
10 PRESCRIBED BY A PHYSICIAN, THERE SHALL BE A PRESUMPTION THAT SUCH
11 CHILD'S PHYSICAL, MENTAL OR EMOTIONAL CONDITION HAS BEEN IMPAIRED OR IS
12 IN IMMINENT DANGER OF BECOMING IMPAIRED AS A RESULT OF THE FAILURE OF
13 SUCH CHILD'S MOTHER TO EXERCISE THE LEGALLY REQUIRED DEGREE OF CARE.

14 S 2. Paragraph (ii) of subdivision (f) of section 1012 of the family
15 court act, as amended by chapter 666 of the laws of 1976, is amended and
16 a new paragraph (iii) is added to read as follows:

17 (ii) who has been abandoned, in accordance with the definition and
18 other criteria set forth in subdivision five of section three hundred
19 eighty-four-b of the social services law, by his parents or other person
20 legally responsible for his OR HER care[.]; OR

21 (III) IN THE CASE OF A NEWBORN, IF IT IS ESTABLISHED THROUGH TESTS OF
22 SUCH CHILD'S BLOOD OR URINE OR THROUGH SIMILAR TESTS OF THE NEWBORN
23 CHILD THAT SUCH CHILD WAS EXPOSED TO CONTROLLED SUBSTANCES, AS DEFINED
24 IN SUBDIVISION FIVE OF SECTION 220.00 OF THE PENAL LAW, THAT WERE NOT
25 PRESCRIBED BY A PHYSICIAN, THERE SHALL BE A PRESUMPTION THAT SUCH
26 CHILD'S PHYSICAL, MENTAL OR EMOTIONAL CONDITION HAS BEEN IMPAIRED OR IS

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

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1 IN IMMINENT DANGER OF BECOMING IMPAIRED AS A RESULT OF THE FAILURE OF
2 SUCH CHILD'S MOTHER TO EXERCISE THE LEGALLY REQUIRED DEGREE OF CARE.
3 S 3. This act shall take effect on the first of January next succeed-
4 ing the date on which it shall have become a law.