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

4594

2015-2016 Regular Sessions

I N A S S E M B L Y

February 3, 2015

Introduced by M. of A. CLARK -- read once and referred to the Committee on Judiciary

AN ACT to amend the domestic relations law, in relation to the private permanent transfer of physical custody of or the delegation of power over adopted children

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

Section 1. Section 2 of the domestic relations law, as amended by chapter 920 of the laws of 1974, is amended to read as follows:

S 2. Definitions. 1. A "minor" or "infant", as used in this chapter, is a person under the age of eighteen years.

2. A "RELATIVE", AS USED IN THIS CHAPTER, SHALL MEAN A PARENT, STEPPARENT, BROTHER, SISTER, STEPBROTHER, STEPSISTER, HALF-BROTHER, HALF-SISTER, BROTHER-IN-LAW, SISTER-IN-LAW, FIRST COUSIN, SECOND COUSIN, NEPHEW, NIECE, UNCLE, AUNT, STEP UNCLE, STEP AUNT, OR ANY PERSON OF A PRECEDING GENERATION AS DENOTED BY THE PREFIX OF GRAND, GREAT, OR GREAT-GREAT, WHETHER BY BLOOD, MARRIAGE, OR LEGAL ADOPTION, OR THE SPOUSE OF ANY PERSON NAMED IN THIS SUBDIVISION, EVEN IF THE MARRIAGE IS TERMINATED BY DEATH OR DIVORCE.

S 2. Subdivision 1 of section 115 of the domestic relations law is amended by adding a new paragraph (d) to read as follows:

(D) NO PERSON SHALL ADVERTISE BY ANY PUBLIC MEDIUM THAT ORIGINATES WITHIN THIS STATE, INCLUDING BY NEWSPAPER, PERIODICAL, TELEPHONE BOOK LISTINGS, OUTDOOR ADVERTISING SIGN, RADIO OR TELEVISION, THAT THE PERSON WILL FIND AN ADOPTIVE HOME OR ANY OTHER PERMANENT PHYSICAL PLACEMENT FOR A CHILD OR ARRANGE FOR OR ASSIST IN THE ADOPTION, ADOPTIVE PLACEMENT, OR ANY OTHER PERMANENT PHYSICAL PLACEMENT OF A CHILD.

S 3. Section 115 of the domestic relations law is amended by adding a new subdivision 14 to read as follows:

14. ANY PERSON NOT AUTHORIZED UNDER SECTION THREE HUNDRED SEVENTY-FOUR-A OF THE SOCIAL SERVICES LAW OR APPROVED BY A COURT OF

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

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COMPETENT JURISDICTION, WHO SENDS AN ADOPTED CHILD OUT OF THIS STATE, BRINGS AN ADOPTED CHILD INTO THIS STATE, OR CAUSES AN ADOPTED CHILD TO BE SENT OUT OF THIS STATE OR BROUGHT INTO THIS STATE FOR THE PURPOSE OF PERMANENTLY TRANSFERRING PHYSICAL CUSTODY OR THE DELEGATION OF POWERS OF SUCH ADOPTED CHILD FOR MORE THAN A YEAR TO A PERSON WHO IS NOT A RELATIVE, AS DEFINED IN SUBDIVISION TWO OF SECTION TWO OF THE DOMESTIC RELATIONS LAW, SHALL BE FOUND GUILTY OF CHILD ABANDONMENT AND CHARGED WITH A CLASS E FELONY UNDER SECTION 260.00 OF THE PENAL LAW.

S 4. This act shall take effect immediately.