

9229--A

I N   A S S E M B L Y

February 4, 2016

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Introduced by M. of A. SIMANOWITZ -- read once and referred to the Committee on Children and Families -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public health law, the social services law and the family court act, in relation to care and protection of children

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

1     Section 1. Subdivision 1 of section 2541 of the public health law, as  
2     added by chapter 428 of the laws of 1992, is amended to read as follows:  
3     1. "Children at risk" means children who may experience a disability  
4     because of medical, biological or environmental factors which may  
5     produce developmental delay, OR INFANTS WHO TEST POSITIVE FOR A  
6     CONTROLLED SUBSTANCE NOT PRESCRIBED BY A PHYSICIAN, IN THEIR BLOODSTREAM  
7     OR URINE, ARE BORN DEPENDENT ON SUCH DRUGS OR WHO DEMONSTRATE DRUG WITH-  
8     DRAWAL SYMPTOMS, OR WHO HAVE BEEN DIAGNOSED WITH A CONDITION ATTRIBUT-  
9     ABLE TO IN UTERO EXPOSURE TO ILLEGAL DRUGS, as determined by the commis-  
10    sioner through regulation.  
11    S 2. Paragraphs (b) and (c) of subdivision 1 of section 2542 of the  
12    public health law, as added by chapter 428 of the laws of 1992, are  
13    amended and a new paragraph (d) is added to read as follows:  
14    (b) be coordinated with efforts to identify, locate and track children  
15    conducted by other agencies responsible for services to infants and  
16    toddlers and their families, including the efforts in (i) part B of the  
17    federal individuals with disabilities education act, including early  
18    childhood direction centers, (ii) the maternal and child health program  
19    under title V of the federal social security act, including the infant  
20    health assessment program, (iii) medicaid's early periodic screening,  
21    diagnosis and treatment program under title XIX of the federal social  
22    security act, and (iv) the federal supplemental security income program;  
23    THE KEEPING CHILDREN AND FAMILIES SAFE ACT OF 2003; [and]  
24    (c) provide for the identification, tracking and screening of children  
25    at risk of developmental delay, using resources available through the  
26    programs, identified in paragraph (b) of this subdivision and such other

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

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1 available resources as the commissioner shall commit to this purpose[.];  
2 AND

3 (D) CREATE SERVICES AND A MONITORING PROGRAM FOR MOTHERS WHO GIVE  
4 BIRTH TO CHILDREN AT RISK, WHICH SHALL INCLUDE, BUT NOT BE LIMITED TO  
5 IDENTIFYING RISKS FOR THE CHILD'S WELLBEING, SUGGESTING REHABILITATIVE  
6 STEPS FOR THE MOTHER TO MITIGATE SUCH RISKS AND WORKING IN ACCORDANCE  
7 WITH THE EARLY INTERVENTION PROGRAM AND NOTIFY THE OFFICE OF CHILDREN  
8 AND FAMILY SERVICES IN THE EVENT THAT THE MOTHER IS NON-COMPLIANT IN HER  
9 MONITORING PROGRAM.

10 S 3. Subdivision 3 of section 2542 of the public health law, as  
11 amended by chapter 231 of the laws of 1993, is amended to read as  
12 follows:

13 3. The following persons and entities, within two working days of  
14 identifying an infant or toddler suspected of having a disability [or],  
15 at risk of having a disability, OR WHO FALLS UNDER THE DEFINITION OF  
16 CHILDREN AT RISK, shall refer such infant or toddler to the early inter-  
17 vention official or the health officer of the public health district in  
18 which the infant or toddler resides, as designated by the municipality,  
19 but in no event over the objection of the parent made in accordance with  
20 procedures established by the department for use by such primary refer-  
21 ral sources, unless the child has already been referred: hospitals,  
22 child health care providers, day care programs, local school districts,  
23 public health facilities, early childhood direction centers and such  
24 other social service and health care agencies and providers as the  
25 commissioner shall specify in regulation; provided, however, that the  
26 department shall establish procedures, including regulations if  
27 required, to ensure that primary referral sources adequately inform the  
28 parent or guardian about the early intervention program, including  
29 through brochures and written materials created or approved by the  
30 department.

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

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

36 (III) WHO IS THE CHILD OF A MOTHER WHO IS NON-COMPLIANT WITH A MONI-  
37 TORING PROGRAM REQUIRED IN PARAGRAPH (D) OF SUBDIVISION ONE OF SECTION  
38 TWENTY-FIVE HUNDRED FORTY-TWO OF THE PUBLIC HEALTH LAW.

39 S 5. Paragraph (ii) of subdivision f of section 1012 of the family  
40 court act, as amended by chapter 666 of the laws of 1976, is amended and  
41 a new paragraph (iii) is added to read as follows:

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

46 (III) WHO IS THE CHILD OF A MOTHER WHO IS NON-COMPLIANT WITH A MONI-  
47 TORING PROGRAM REQUIRED IN PARAGRAPH (D) OF SUBDIVISION ONE OF SECTION  
48 TWENTY-FIVE HUNDRED FORTY-TWO OF THE PUBLIC HEALTH LAW.

49 S 6. This act shall take effect immediately.