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

5460

2015-2016 Regular Sessions

I N A S S E M B L Y

February 24, 2015

Introduced by M. of A. LUPARDO -- read once and referred to the Committee on Children and Families

AN ACT to amend the family court act and the domestic relations law, in relation to granting certain non-parents the authority to enroll certain children in school

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

Section 1. Subdivision (a) of section 657 of the family court act, as added by chapter 404 of the laws of 2008, is amended to read as follows:

(a) 1. Notwithstanding any provision of the law to the contrary, a person possessing a lawful order of guardianship or custody of a minor child, who is not the parent of such child, may enroll such child in public school in the applicable school district where he or she and such child reside. Upon application for enrollment of a minor child by a guardian or custodian who is not the parent of such child, a public school shall enroll such child for such time as the child resides with the guardian or custodian in the applicable school district, upon verification that the guardian or custodian possess a lawful order of guardianship or custody for such child and that the guardian or custodian and the child properly reside in the same household within the school district.

2. NOTWITHSTANDING ANY PROVISION OF THE LAW TO THE CONTRARY, A PERSON WHO: (I) HAS ASSUMED THE CARE AND CONTROL OF A MINOR CHILD THAT IS RESIDING PERMANENTLY IN SUCH PERSON'S HOME; (II) IS NOT THE PARENT OF SUCH CHILD; AND (III) DOES NOT POSSESS A LAWFUL ORDER OF GUARDIANSHIP OR CUSTODY FOR SUCH CHILD, MAY ENROLL SUCH CHILD IN PUBLIC SCHOOL IN THE APPLICABLE SCHOOL DISTRICT WHERE HE OR SHE AND SUCH CHILD RESIDE. UPON APPLICATION FOR ENROLLMENT OF A MINOR CHILD BY SUCH PERSON, A PUBLIC SCHOOL SHALL ENROLL SUCH CHILD FOR SUCH TIME AS THE CHILD RESIDES WITH THE PERSON IN THE APPLICABLE SCHOOL DISTRICT, UPON VERIFICATION THAT THE

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

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CHILD PROPERLY RESIDES WITH SUCH PERSON IN A HOUSEHOLD WITHIN THE SCHOOL DISTRICT AND THAT SUCH PERSON HAS ASSUMED CARE AND CONTROL OF THE CHILD.

S 2. Subdivision 1 of section 74 of the domestic relations law, as added by chapter 404 of the laws of 2008, is amended to read as follows:

1. (A) Notwithstanding any provision of law to the contrary, a person possessing a lawful order of guardianship or custody of a minor child, who is not the parent of such child, may enroll such child in public school in the applicable school district where he or she and such child reside. Upon application for enrollment of a minor child by a guardian or custodian who is not the parent of such child, a public school shall enroll such child for such time as the child resides with the guardian or custodian in the applicable school district, upon verification that the guardian or custodian possess a lawful order of custody for such child and that the guardian or custodian and the child properly reside in the same household within the school district.

(B) NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, A PERSON WHO: (I) HAS ASSUMED THE CARE AND CONTROL OF A MINOR CHILD THAT IS RESIDING PERMANENTLY IN SUCH PERSON'S HOME; (II) IS NOT THE PARENT OF SUCH CHILD; AND (III) DOES NOT POSSESS A LAWFUL ORDER OF GUARDIANSHIP OR CUSTODY FOR SUCH CHILD, MAY ENROLL SUCH CHILD IN PUBLIC SCHOOL IN THE APPLICABLE SCHOOL DISTRICT WHERE HE OR SHE AND SUCH CHILD RESIDE. UPON APPLICATION FOR ENROLLMENT OF A MINOR CHILD BY SUCH PERSON, A PUBLIC SCHOOL SHALL ENROLL SUCH CHILD FOR SUCH TIME AS THE CHILD RESIDES WITH THE PERSON IN THE APPLICABLE SCHOOL DISTRICT, UPON VERIFICATION THAT THE CHILD PROPERLY RESIDES WITH SUCH PERSON IN A HOUSEHOLD WITHIN THE SCHOOL DISTRICT AND THAT SUCH PERSON HAS ASSUMED CARE AND CONTROL OF THE CHILD.

S 3. This act shall take effect immediately.