

STATE OF NEW YORK

7905

2017-2018 Regular Sessions

IN ASSEMBLY

May 18, 2017

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

AN ACT to amend the general obligations law, in relation to extension of the permitted time period for designation of a person in parental relation to a minor child

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Sections 5-1551 and 5-1552 of the general obligations law,
2 as added by chapter 119 of the laws of 2005, are amended to read as
3 follows:
4 § 5-1551. Power of parent to designate a person in parental relation.
5 A parent of a minor or incapacitated person may designate another person
6 as a person in parental relation to such minor or incapacitated person
7 pursuant to sections twenty-one hundred sixty-four and twenty-five
8 hundred four of the public health law and sections two and thirty-two
9 hundred twelve of the education law for a period not exceeding [~~six~~
10 twelve] months provided that there is no prior order of any court in any
11 jurisdiction currently in effect that would prohibit such parent from
12 himself or herself exercising the same or similar authority, and
13 provided further, that, in the case where a court has ordered that both
14 parents must agree on education or health decisions regarding the child,
15 a designation pursuant to this subdivision shall not be valid unless
16 both parents have consented thereto. Such designation shall be in the
17 form prescribed by section 5-1552 of this title, and may be presented to
18 any school, health care provider or health plan that requires such
19 designation by either the parent or the designee.
20 § 5-1552. Form of designation. 1. Designations in general. A design-
21 nation of a person in parental relation pursuant to this title shall be
22 in writing and shall include: the name of the parent, the name of the
23 designee, the name of each minor or incapacitated person with respect to
24 whom such designation is made, the parent's signature, and the date of

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

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1 such signature. The designation may specify a period of time less than
2 [~~six~~] twelve months for which such designation shall be valid unless
3 earlier revoked by such parent pursuant to section 5-1554 of this title,
4 provided that any designation specifying a period of more than thirty
5 days shall also conform to the provisions of subdivision two of this
6 section.

7 2. Designations for more than thirty days. A designation specifying a
8 period of more than thirty days shall also include: an address and tele-
9 phone number where the parent can be reached, an address and telephone
10 number where the designee can be reached, the date of birth of each
11 minor or incapacitated person with respect to whom such designation is
12 made, the date or contingent event on which the designation commences,
13 the written consent of the designee to such designation, and a statement
14 that there is no prior order of any court in any jurisdiction currently
15 in effect prohibiting such parent from making the designation. A desig-
16 nation specifying a period of more than thirty days shall be notarized.

17 3. Designations not specifying a time period. If no time period is
18 specified in a designation, it shall be valid until the earlier of revo-
19 cation or the expiration of thirty days from the date of signature if
20 the designation does not meet the requirements of subdivision two of
21 this section, or [~~six~~] twelve months from the date of commencement spec-
22 ified therein if the designation meets the requirements of subdivision
23 two of this section.

24 § 2. This act shall take effect immediately.