STATE OF NEW YORK

6013--A

2017-2018 Regular Sessions

IN SENATE

May 10, 2017

Introduced by Sen. AVELLA -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education -- recommitted to the Committee on Higher Education in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public health law and the education law, in relation to the definition of person in parental relationship to a child

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

Section 1. Paragraph c of subdivision 1 of section 2164 of the public health law, as amended by chapter 401 of the laws of 2015, is amended to read as follows:

c. The term "person in parental relation to a child" shall mean and include [~~his~~] the child's father or mother, by birth or adoption, [~~his~~] the child's legally appointed guardian, a person possessing a lawful order of custody of a child, or [~~his~~] the child's custodian. A person shall be regarded as the custodian of a child if he or she has assumed the charge and care of the child because the parents or legally appointed guardian of the minor have died, are imprisoned, are mentally ill, or have been committed to an institution, or because they have abandoned or deserted such child or are living outside the state or their whereabouts are unknown, or have designated the person pursuant to title fifteen-A of article five of the general obligations law as a person in parental relation to the child.

§ 2. Subdivision 1 of section 3212 of the education law, as amended by chapter 119 of the laws of 2005, is amended to read as follows:

1. Definition. As used in this article, a person in parental relation to another individual shall include [~~his~~] the child's father or mother, by birth or adoption, [~~his~~] the child's step-father or step-mother, [~~his~~] the child's legally appointed guardian, a person possessing a lawful order of custody of a child, or [~~his~~] the child's custodian. A

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

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person shall be regarded as the custodian of another individual if he **or she** has assumed the charge and care of such individual because the parents or legally appointed guardian of such individual have died, are imprisoned, are mentally ill, or have been committed to an institution, or because, they have abandoned or deserted such individual or are living outside the state or their whereabouts are unknown, or have designated the person pursuant to title fifteen-A of article five of the general obligations law as a person in parental relation to the child.

§ 3. This act shall take effect immediately.