# STATE OF NEW YORK

6016--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 Children and Families -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the general obligations law, in relation to a parent or guardian naming a caregiver as a person in parental relation

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

Section 1. Section 5-1551 of the general obligations law, as added by chapter 119 of the laws of 2005, is amended to read as follows:

§ 5-1551. Power of parent to designate a person in parental relation. A parent of a minor or incapacitated person may designate another person as a person in parental relation to such minor or incapacitated person pursuant to sections twenty-one hundred sixty-four and twenty-five hundred four of the public health law and sections two and thirty-two hundred twelve of the education law for a period not exceeding [~~six~~] **twelve** months provided that there is no prior order of any court in any jurisdiction currently in effect that would prohibit such parent from himself or herself exercising the same or similar authority, and provided further, that, in the case where a court has ordered that both parents must agree on education or health decisions regarding the child, a designation pursuant to this subdivision shall not be valid unless both parents have consented thereto. Such designation shall be in the form prescribed by section 5-1552 of this title, and may be presented to any school, health care provider or health plan that requires such designation by either the parent or the designee.

§ 2. Subdivision 1 of section 5-1552 of the general obligations law, as added by chapter 119 of the laws of 2005, is amended to read as follows:

1. Designations in general. A designation of a person in parental relation pursuant to this title shall be in writing and shall include:

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

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the name of the parent, the name of the designee, the name of each minor or incapacitated person with respect to whom such designation is made, the parent's signature, and the date of such signature. The designation may specify a period of time less than [~~six~~] twelve months for which such designation shall be valid unless earlier revoked by such parent pursuant to section 5-1554 of this title, provided that any designation specifying a period of more than thirty days shall also conform to the provisions of subdivision two of this section.

§ 3. Subdivision 3 of section 5-1552 of the general obligations law, as added by chapter 119 of the laws of 2005, is amended to read as follows:

3. Designations not specifying a time period. If no time period is specified in a designation, it shall be valid until the earlier of revocation or the expiration of thirty days from the date of signature if the designation does not meet the requirements of subdivision two of this section, or [~~six~~] twelve months from the date of commencement specified therein if the designation meets the requirements of subdivision two of this section.

§ 4. This act shall take effect immediately.