

STATE OF NEW YORK

1167

2017-2018 Regular Sessions

IN ASSEMBLY

January 11, 2017

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

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 § 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

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

LBD02332-01-7

1 programs, identified in paragraph (b) of this subdivision and such other
2 available resources as the commissioner shall commit to this purpose[~~-~~];
3 and

4 (d) create services and a monitoring program for mothers who give
5 birth to children at risk, which shall include, but not be limited to
6 identifying risks for the child's wellbeing, suggesting rehabilitative
7 steps for the mother to mitigate such risks and working in accordance
8 with the early intervention program and notify the office of children
9 and family services in the event that the mother is non-compliant in her
10 monitoring program.

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

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

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

35 (ii) who has been abandoned by his parents or other person legally
36 responsible for his care[~~-~~]; or

37 (iii) who is the child of a mother who is non-compliant with a moni-
38 toring program required in paragraph (d) of subdivision one of section
39 twenty-five hundred forty-two of the public health law.

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

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

47 (iii) who is the child of a mother who is non-compliant with a moni-
48 toring program required in paragraph (d) of subdivision one of section
49 twenty-five hundred forty-two of the public health law.

50 § 6. This act shall take effect immediately.