STATE OF NEW YORK

10565--A

IN ASSEMBLY

June 3, 2020

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Perry) -- read once and referred 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 family court act, in relation to the investigation of and findings of educational neglect of a child during the COVID-19 pandemic

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

Section 1. Subdivision (f) of section 1012 of the family court act is amended by adding a new paragraph (iii) to read as follows:

(iii) Provided, however, evidence of a child's excessive absence from school shall not, by itself, be sufficient to find that a respondent failed to provide an adequate education to such child if such excessive absence:

(A) occurred during the state disaster emergency declared pursuant to executive order 202 of 2020 in response to the novel coronavirus (COVID-19) pandemic; and

(B) is a result of the child not having the opportunity to participate in remote learning due to:

(1) a lack of resources or opportunity that would enable the child to do so, including, but not limited to, lack of access to necessary computer or other electronic equipment or lack of connectivity opportunity; or

(2) the fact that the respondent is an essential worker, is caring for someone with the novel coronavirus (COVID-19), is sick with the novel coronavirus (COVID-19), or is in mandatory or self isolation or quarantine due to potential exposure to the novel coronavirus (COVID-19).

(C) If it is determined that a child's excessive absence from school is due solely to the factors listed in subparagraphs (A) and (B) of this paragraph, such actions alone shall not establish that the child is a neglected child in the absence of evidence establishing that the child's physical, mental or emotional condition has been impaired or is in immi-

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

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nent danger or becoming impaired as set forth in paragraph (i) of this subdivision.

§ 2. This act shall take effect immediately and shall apply retroactively to any reports made to the statewide central register or petitions filed with the family court beginning March 7, 2020 and any time thereafter during the state disaster emergency declared pursuant to executive order 202 of 2020 in response to the novel coronavirus (COVID-19) pandemic.