STATE OF NEW YORK

6078

2023-2024 Regular Sessions

IN ASSEMBLY

April 3, 2023

Introduced by M. of A. SLATER -- 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:

Section 1. Subdivision 1 of section 2541 of the public health law, as added by chapter 428 of the laws of 1992, is amended to read as follows:

1. "Children at risk" means children who may experience a disability because of medical, biological or environmental factors which may produce developmental delay, **or infants who test positive for a controlled substance not prescribed by a physician, in their bloodstream or urine, are born dependent on such drugs or who demonstrate drug withdrawal symptoms, or who have been diagnosed with a condition attributable to in utero exposure to illegal drugs,** as determined by the commissioner through regulation.

§ 2. Paragraphs (b) and (c) of subdivision 1 of section 2542 of the public health law, as added by chapter 428 of the laws of 1992, are amended and a new paragraph (d) is added to read as follows:

(b) be coordinated with efforts to identify, locate and track children conducted by other agencies responsible for services to infants and toddlers and their families, including the efforts in (i) part B of the federal individuals with disabilities education act, including early childhood direction centers, (ii) the maternal and child health program under title V of the federal social security act, including the infant health assessment program, (iii) medicaid's early periodic screening, diagnosis and treatment program under title XIX of the federal social security act, and (iv) the federal supplemental security income program**; the keeping children and families safe act of 2003**; [~~and~~]

(c) provide for the identification, tracking and screening of children 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.

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

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

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

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

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

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

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

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

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

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

§ 6. This act shall take effect immediately.