

STATE OF NEW YORK

8179

IN SENATE

January 11, 2024

Introduced by Sen. ROLISON -- read twice and ordered printed, and when printed to be committed to the Committee on Disabilities

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

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

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

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

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

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

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

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

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

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

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

47 § 6. This act shall take effect immediately.