STATE OF NEW YORK

6941

2025-2026 Regular Sessions

IN ASSEMBLY

March 18, 2025

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

AN ACT to amend the social services law and the family court act, in relation to the definition of the term "prospective relative guardian"

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

Section 1. Subdivision 3 of section 458-a of the social services law, as amended by chapter 384 of the laws of 2017, is amended to read as follows:

3. **(a)** "Prospective relative guardian" shall mean a person who has been caring for the child as a fully certified or approved foster parent for at least six consecutive months prior to applying for kinship guardianship assistance payments and who:

[~~(a)~~] **(i)** is related to the child through blood, marriage, or adoption; or

[~~(b)~~] **(ii)** is related to a half-sibling of the child through blood, marriage or adoption and where such person or persons is or are also the prospective or appointed relative guardian or guardians of such half-sibling; or

[~~(c)~~] **(iii)** is an adult with a positive relationship with the child, including, but not limited to, a step-parent, godparent, neighbor or family friend.

(b) No person shall be precluded from being deemed a "prospective relative guardian" under paragraph (a) of this subdivision based on whether such person's relationship with the child was established before or after such child's placement into foster care; provided, however, that:

(i) no person whose relationship with a child that was established after such child's placement into foster care shall be deemed a "prospective relative guardian" under paragraph (a) of this subdivision over the objection of such child's parent unless a court of competent

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

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jurisdiction has made a finding that such parent permanently neglected such child, abandoned such child, is unable presently and for the foreseeable future to provide proper and adequate care for such child by reason of mental illness or intellectual disability, or severely and repeatedly abused such child pursuant to section three hundred eighty-four-b of this article; and

(ii) no person shall be deemed a "prospective relative guardian" under paragraph (a) of this subdivision over the objection of a child fourteen years of age or older.

§ 2. Paragraph (i) of subdivision (a) of section 1028-a of the family court act, as amended by chapter 434 of the laws of 2019, is amended to read as follows:

(i) the person is related to the child as described under **subparagraph (i), (ii), or (iii) of** paragraph (a)[~~, (b), or (c)~~] of subdivision three of section four hundred fifty-eight-a of the social services law;

§ 3. This act shall take effect immediately.