

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:

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

4 3. ~~(a)~~ (a) "Prospective relative guardian" shall mean a person who has
5 been caring for the child as a fully certified or approved foster parent
6 for at least six consecutive months prior to applying for kinship guar-
7 dianship assistance payments and who:

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

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

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

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

22 (i) no person whose relationship with a child that was established
23 after such child's placement into foster care shall be deemed a
24 "prospective relative guardian" under paragraph (a) of this subdivision
25 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.

LBD08164-02-5

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

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

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

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

16 § 3. This act shall take effect immediately.