

STATE OF NEW YORK

992

2025-2026 Regular Sessions

IN SENATE

(Prefiled)

January 8, 2025

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:

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

3 1. "Children at risk" means children who may experience a disability
4 because of medical, biological or environmental factors which may
5 produce developmental delay, or infants who test positive for a
6 controlled substance not prescribed by a physician, in their bloodstream
7 or urine, are born dependent on such drugs or who demonstrate drug with-
8 drawal symptoms, or who have been diagnosed with a condition attribut-
9 able to in utero exposure to illegal drugs, as determined by the commis-
10 sioner through regulation.

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

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

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

LBD02810-01-5

1 (c) provide for the identification, tracking and screening of children
2 at risk of developmental delay, using resources available through the
3 programs, identified in paragraph (b) of this subdivision and such other
4 available resources as the commissioner shall commit to this purpose[-];
5 and

6 (d) create services and a monitoring program for gestational parents
7 who give birth to children at risk, which shall include, but not be
8 limited to identifying risks for the child's wellbeing, suggesting reha-
9 ilitative steps for the gestational parent to mitigate such risks and
10 working in accordance with the early intervention program and notify the
11 office of children and family services in the event that the gestational
12 parent is non-compliant in the monitoring program.

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

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

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

37 (ii) who has been abandoned by [~~his~~] the child's parents or other
38 person legally responsible for [~~his~~] the child's care[-]; or
39 (iii) who is the child of a mother who is non-compliant with a moni-
40 toring program required in paragraph (d) of subdivision one of section
41 twenty-five hundred forty-two of the public health law.

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

45 (ii) who has been abandoned, in accordance with the definition and
46 other criteria set forth in subdivision five of section three hundred
47 eighty-four-b of the social services law, by [~~his~~] the child's parents
48 or other person legally responsible for [~~his~~] the child's care[-]; or
49 (iii) who is the child of a gestational parent who is non-compliant
50 with a monitoring program required in paragraph (d) of subdivision one
51 of section twenty-five hundred forty-two of the public health law.

52 § 6. This act shall take effect immediately.