STATE OF NEW YORK

11405

IN ASSEMBLY

May 15, 2026

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Hevesi) -- (at request of the Unified Court System) -- read once and referred to the Committee on Children and Families

AN ACT to amend the family court act, the social services law, the executive law, the public health law, the not-for-profit corporations law and the business corporations law, in relation to dependent children before the family court; and to repeal certain provisions of the social services law relating thereto

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

Section 1. Subdivision (c) of section 115 of the family court act, as amended by chapter 568 of the laws of 2024, is amended to read as follows:

(c) The family court has such other jurisdiction as is provided by law, including but not limited to: proceedings concerning adoption and custody of children, as set forth in parts two and three of article six of this act; proceedings concerning the uniform interstate family support act, as set forth in article five-B of this act; proceedings concerning children in foster care and care and custody of children, as set forth in sections three hundred fifty-eight-a and three hundred eighty-four-a of the social services law and article ten-A of this act; proceedings concerning former foster children as set forth in article ten-B of this act; proceedings concerning [~~destitute~~] dependent children, as set forth in article ten-C of this act; proceedings concerning guardianship and custody of children by reason of the death of, or abandonment or surrender by, the parent or parents, as set forth in sections three hundred eighty-three-c, three hundred eighty-four and paragraphs (a) and (b) of subdivision four of section three hundred eighty-four-b of the social services law; proceedings concerning standby guardianship and guardianship of the person as set forth in part four of article six of this act and article seventeen of the surrogate's court procedure act; proceedings concerning the interstate compact on juveniles as set forth in chapter one hundred fifty-five of the laws of nineteen hundred fifty-five, as amended; proceedings concerning the interstate compact on

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

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the placement of children, as set forth in section three hundred seventy-four-a of the social services law; proceedings concerning the uniform child custody jurisdiction and enforcement act, as set forth in article five-A of the domestic relations law; and proceedings concerning the change of the name of a child as set forth in section sixty of the civil rights law.

§ 2. Subparagraph 2 of paragraph (ix) of subdivision (a) of section 262 of the family court act, as added by chapter 3 of the laws of 2012, is amended to read as follows:

(2) an interested adult as such term is defined in section one thousand ninety-two of this act provided that:

(A) the child alleged to be [~~destitute~~] **dependent** in the proceeding held pursuant to article ten-C of this act was removed from the care of such interested adult;

(B) the child alleged to be [~~destitute~~] **dependent** in the proceeding held pursuant to article ten-C of this act resides with the interested adult; or

(C) the child alleged to be [~~destitute~~] **dependent** in the proceeding held pursuant to article ten-C of this act resided with such interested adult immediately prior to the filing of the petition under article ten-C of this act;

§ 3. The article heading of article 10-C of the family court act, as added by chapter 605 of the laws of 2011, is amended to read as follows:

[~~DESTITUTE~~] **DEPENDENT** CHILDREN

§ 4. Subdivisions (a), (c) and (f) of section 1092 of the family court act, subdivisions (a) and (c) as amended and subdivision (f) as added by chapter 3 of the laws of 2012, are amended and a new subdivision (g) is added to read as follows:

(a) "[~~destitute~~] **dependent** child" shall mean a child under the age of eighteen**, or, upon application of the child or with the child's consent, under the age of twenty-one or, pursuant to subdivision (d) of section one thousand eighty-eight of this act, twenty-three,** who is**:**

(1) in a state of [~~want or suffering~~] **need** due to lack of sufficient food, clothing, shelter, or medical or surgical care and:

[~~(1)~~] **(i)** does not fit within the definition of an "abused child" or a "neglected child" as such terms are defined in section one thousand twelve of this act; and

[~~(2)~~] **(ii)** is without any parent or caretaker available to [~~sufficiently~~] **provide sufficient** care [~~for him or her~~], due to:

[~~(i)~~] **(A)** the death of a parent or caretaker; or

[~~(ii)~~] **(B)** the incapacity or debilitation of a parent or caretaker, where such incapacity or debilitation would prevent such parent or caretaker from being able to knowingly and voluntarily enter into a written agreement to transfer the care and custody of [~~said~~] **the** child pursuant to section three hundred fifty-eight-a or three hundred eighty-four-a of the social services law; or

[~~(iii)~~] **(C)** the inability of the commissioner of social services to locate any parent or caretaker, after making reasonable efforts to do so; or

[~~(iv)~~] **(D)** a parent or caretaker being physically located outside of the state of New York and the commissioner of social services is or has been unable to return the child to such parent or caretaker while or after making reasonable efforts to do so, unless the lack of such efforts is or was appropriate under the circumstances[~~.~~]**; or**

(2) in the custody of, or wholly or partly maintained by a state or local agency or department, or an authorized agency or an institution, society or other organization of charitable, eleemosynary, correctional, or reformatory character; or

(3) residing in a federal placement, and has no parent or legal guardian in the United States who is available or able to provide for the child's essential needs or obtain custody or guardianship for them.

(c) "caretaker" shall mean a person or persons, other than a parent of a child alleged or adjudicated to be a [~~destitute~~] dependent child pursuant to this article, who possesses a valid, current court order providing [~~him or her~~] such person with temporary or permanent guardianship or temporary or permanent custody of [~~said~~] the child.

(f) "[~~Interested~~] interested adult" shall mean a person or persons over the age of eighteen, other than a parent or caretaker, who, at the relevant time resided with and had responsibility for the day-to-day care of a child alleged or adjudicated to be [~~destitute~~] dependent.

(g) "federal placement" means any facility or program providing shelter or foster care services to non-citizen children within New York state under a contract with or other authorization from the United States department of health and human services office of refugee resettlement, or any other federal government agency or office. For the purposes of this article, such federal placements are authorized agencies and institutions under section three hundred seventy-one of the social services law.

§ 5. Subdivisions (a) and (c) and paragraph 1 of subdivision (d) of section 1093 of the family court act, subdivision (a), paragraphs 1 and 2 of subdivision (c) and subdivision (d) as amended by chapter 3 of the laws of 2012 and subdivision (c) as added by chapter 605 of the laws of 2011, are amended to read as follows:

(a) Filing of the petition. [~~Only a commissioner of social services may originate a proceeding under this article.~~] (1) A proceeding under this article may be originated by the filing of a petition alleging that the child is a [~~destitute~~] dependent child as defined by section one thousand ninety-two of this article. [~~A commissioner of social services, who accepts the care and custody of a child appearing to be a destitute child, shall provide for such child as authorized by law, including but not limited to section three hundred ninety-eight of the social services law, and shall file a petition pursuant to this section within fourteen days upon accepting the care and custody of such child.~~]

(2) (i) The following persons may originate proceedings under this section:

(A) a commissioner of social services;

(B) the child that is the subject of the petition, if the child is over the age of fourteen; or

(C) any other person on the court's direction.

(ii) A person seeking to file a petition on the court's direction pursuant to clause (C) of subparagraph (i) of this paragraph shall have access to the court for the purpose of making an ex parte application therefor. Nothing in this section shall be intended to prevent the court from requiring such person to first report to an appropriate local department of social services.

(3) A commissioner of social services, who accepts the care and custody of a child appearing to be a dependent child, shall provide for such child as authorized by law, including, but not limited to, section three hundred ninety-eight of the social services law, and shall file a peti-

tion pursuant to this section within fourteen days upon accepting the care and custody of such child.

(c) Contents of the petition. (1) The petition shall allege upon information and belief:

(i) if the petitioner is not the child in question, the manner, date and circumstance under which the child became known to the petitioner;

(ii) the child's date of birth, if known;

(iii) that the child is a [~~destitute~~] dependent child as defined in subdivision (a) of section one thousand ninety-two of this article and the basis for the allegation; provided, however, that, with respect to a child in a federal placement, facts alleged relating to acts, omissions or events outside the United States shall not without more information require referral to the statewide central register of child abuse and maltreatment maintained pursuant to section four hundred twenty-two of the social services law;

(iv) the identity of the parent or parents of the child in question, if known;

(v) whether the parent or parents of the child are living or deceased, if known;

(vi) the whereabouts and last known address for the parent or parents, if known;

(vii) the identity of a caretaker or interested adult, if known;

(viii) the efforts, if any, which were made prior to the filing of the petition to prevent any removal of the child from the home and if such efforts were not made, the reasons such efforts were not made; and

(ix) the efforts, if any, which were made prior to the filing of the petition to allow the child to return or remain safely home, and if such efforts were not made, the reasons such efforts were not made.

(2) The petition shall contain a notice in conspicuous print providing that if the child remains in foster care, other than in a federal placement, for fifteen of the most recent twenty-two months, the agency may be required by law to file a petition to terminate parental rights.

(1) Upon the filing of a petition under this article, if a living parent, caretaker or interested adult is identified in the petition, the court shall cause a copy of the petition and a summons to be issued the same day the petition is filed, requiring such parent, caretaker or interested adult to appear in court on the return date to answer the petition. If the court deems a person a party to the proceeding pursuant to subdivision (c) of section one thousand ninety-four of this article and if such person is not before the court, the court shall cause a copy of the petition and a summons requiring such person to appear in court on the return date be served on such person. With respect to a child not in a federal placement, if the commissioner of social services has not originated the petition, the court shall cause a copy of the petition and summons to be provided by electronic or other means to the commissioner of social services requiring that such commissioner or such commissioner's designee appear in court on the return date.

§ 6. Subparagraph (iii) of paragraph 2 of subdivision (a) and paragraph 1 of subdivision (c) of section 1094 of the family court act, subparagraph (iii) of paragraph 2 of subdivision (a) as added by chapter 605 of the laws of 2011, clause (A) of subparagraph (iii) of paragraph 2 of subdivision (a) as amended and paragraph 1 of subdivision (c) as added by chapter 3 of the laws of 2012, are amended to read as follows:

(iii) upon a determination that the child should be temporarily placed, other than in a case in which a child is in a federal placement:

(A) direct the [~~petitioner~~] **commissioner of social services** to investigate whether there are any parents, caretakers or interested adults not named in the petition or any other relatives or other suitable persons with whom the child may safely reside and, if so, direct the child to reside temporarily in their care; and

(B) if a relative or other suitable person seeks approval to care for the child as a foster parent, direct the [~~petitioner~~] **commissioner of social services** to commence an investigation into the home of such relative and thereafter approve such relative or other suitable person, if qualified, as a foster parent; provided, however, that if such home is found to be unqualified for approval, the petitioner shall report such fact to the court forthwith and, in the case of a relative who seeks approval to care for the child as a foster parent, the relative may proceed in accordance with section one thousand twenty-eight-a of this act.

(1) The court may upon its own motion or the motion of any person, deem a person not named in the petition who has a significant connection to the child alleged to be [~~destitute~~] **dependent**, a party to the proceeding, if such person consents to being added as a party, and such action is appropriate under the circumstances.

§ 7. Subdivisions (b), (c), (d), (e), (f) and (g) of section 1095 of the family court act, as amended by chapter 3 of the laws of 2012, paragraph 3 of subdivision (e) as amended by chapter 359 of the laws of 2017, are amended and a new subdivision (h) is added to read as follows:

(b) The court shall sustain the petition and make a finding that a child is [~~destitute~~] **dependent** if, based upon a preponderance of competent, material and relevant evidence presented, the court finds that the child meets the definition of a [~~destitute~~] **dependent** child as described in subdivision (a) of section one thousand ninety-two of this article. If the proof does not conform to the specific allegations of the petition, the court may amend the allegations to conform to the proof if no party objects to such conformation.

(c) If the court finds that the child does not meet such definition of a [~~destitute~~] **dependent** child or that the aid of the court is not required, the court shall dismiss the petition, and if applicable, return a child who was placed in the temporary care of the commissioner of social services to any parent, caretaker or interested adult; provided, however, that if the court finds that the child may be in need of protection under article ten of this act, the court may request the commissioner of social services to conduct a child protective investigation in accordance with subdivision one of section one thousand thirty-four of this act. The court shall state the grounds for any finding under this subdivision.

(d) **(1)** If the court sustains the petition pursuant to subdivision (b) of this section, it may immediately convene a dispositional hearing or may adjourn the proceeding for further inquiries to be made prior to disposition provided however, that if a petition pursuant to article six of this act has been filed by a person or persons seeking custody or guardianship of the child, or if a petition pursuant to article seventeen of the surrogate's court procedure act seeking guardianship of the child has been filed, the court shall consolidate the dispositional hearing with a hearing under section one thousand ninety-six of this article, unless consolidation would not be appropriate under the circumstances. If the court does not consolidate such dispositional proceedings it shall hold the dispositional hearing under this section in abeyance pending the disposition of the petition filed pursuant to

article six of this act or article seventeen of the surrogate's court procedure act. Based upon material and relevant evidence presented at the dispositional hearing, the court shall enter an order of disposition stating the grounds for its order and directing one of the following alternatives:

[~~(1)~~] **(i)** placing the child in the care and custody of the commissioner of social services; or

[~~(2)~~] **(ii)** granting an order of custody or guardianship to relatives or suitable persons pursuant to a petition under article six of this act or guardianship of the child to a relative or suitable person under article seventeen of the surrogate's court procedure act and in accordance with section one thousand ninety-six of this article[~~.~~]**; or**

(iii) freeing the child for adoption and granting guardianship and custody to the commissioner of social services for the purposes of consenting to an adoption where both of the child's parents are deceased, or where one of the child's parents is deceased and the other parent is not entitled to consent or notice pursuant to sections one hundred eleven and one hundred eleven-a of the domestic relations law or section three hundred eighty-four-c of the social services law and no other guardian or custodian has been appointed; or

(iv) in the case of a child in a federal placement, issuing an order recognizing the placement and including services and other provisions necessary to protect the child's safety and well-being, provided, however, that the court shall not alter the custody of the child without the consent of the federal department of health and human services.

(2) The court shall maintain continuing jurisdiction over the proceeding until the child reaches the age of eighteen, unless the child consents to a continuation of jurisdiction until the child reaches the age of twenty-one or, pursuant to paragraph (ii) of subdivision (d) of section one thousand eighty-eight of this act, twenty-three.

(e) If the child has been placed pursuant to **subparagraph (i) of** paragraph one of subdivision (d) of this section, the court shall include the following in its order:

(1) a date certain for the permanency hearing in accordance with paragraph two of subdivision (a) of section one thousand eighty-nine of this act;

(2) a description of the plan for the child to visit with [~~his or her~~] **the child's** parent or parents unless contrary to the child's best interests;

(3) a direction that the child be placed together with or, at minimum, to visit and have regular communication with, [~~his or her~~] **the child's** siblings, if any, unless contrary to the best interests of the child and/or the siblings and may incorporate an order issued pursuant to part eight of article ten of this chapter in accordance with subdivision (f) of this section;

(4) a direction that the child's parent or parents be notified of any planning conferences to be held pursuant to subdivision three of section four hundred nine-e of the social services law, of their right to attend such conferences and to have counsel or another representative or companion with them;

(5) if the child is or will be fourteen or older by the date of the permanency hearing, the services and assistance that may be necessary to assist the child in learning independent living skills; and

(6) a notice that, if the child remains in foster care for fifteen of the most recent twenty-two months, the agency may be required by law to file a petition to terminate parental rights.

(f) If the child has been placed pursuant to **subparagraph (i) of** paragraph one of subdivision (d) of this section, the provisions of part eight of article ten of this act shall be applicable.

(g) If the court makes an order pursuant to **subparagraph (i) of** paragraph one of subdivision (d) of this section, the court may include a direction for the commissioner of social services to provide or arrange for services or assistance, limited to those authorized or required to be made available under the comprehensive annual services program plan then in effect, to ameliorate the conditions that formed the basis for the fact-finding under this section and, if the child has been placed in the care and custody of the commissioner of social services, to facilitate the child's permanency plan.

(h) If the child has been freed for adoption pursuant to subparagraph (iii) of paragraph one of subdivision (d) of this section, the court shall include the following in its order:

(1) a date certain for the permanency hearing in accordance with paragraph two of subdivision (a) of section one thousand eighty-nine of this act;

(2) a direction that the child be placed together with or, at minimum, to visit and have regular communication with, the child's siblings, if any, unless contrary to the best interests of the child and/or the siblings;

(3) if the child is or will be fourteen or older by the date of the permanency hearing, the services and assistance that may be necessary to assist the child in learning independent living skills; and

(4) a direction for the commissioner of social services to provide or arrange for services or assistance, limited to those authorized or required to be made available under the comprehensive annual services program plan then in effect, to facilitate the child's permanency plan.

§ 8. Paragraphs 4 and 5 of subdivision (a) and subdivision (b) of section 1096 of the family court act, as added by chapter 3 of the laws of 2012, are amended to read as follows:

(4) all parties to the [~~destitute~~] **dependent** child proceeding consent to the granting of custody or guardianship under article six of this act or article seventeen of the surrogate's court procedure act; or

(5) after a consolidated fact finding and dispositional hearing on the [~~destitute~~] **dependent** child petition and the petition under article six of this act or article seventeen of the surrogate's court procedure act:

(i) if a parent or parents fail to consent to the granting of custody or guardianship under article six of this act or guardianship under article seventeen of the surrogate's court procedure act, the court finds that extraordinary circumstances exist that support granting an order of custody or guardianship under article six of this act or guardianship under article seventeen of the surrogate's court procedure act; or

(ii) if the parent or parents consent and a party other than a parent fails to consent to the granting of custody or guardianship under article six of this act or guardianship under article seventeen of the surrogate's court procedure act, the court finds that granting custody or guardianship of the child to the relative or suitable person is in the best interests of the child.

(b) An order made in accordance with the provisions of this section shall set forth the required findings as described in subdivision (a) of this section and shall constitute the final disposition of the [~~destitute~~] **dependent** child proceeding. Notwithstanding any other provision of law, the court shall not issue an order of supervision nor may the court

require the local department of social services to provide services to the parent, parents, caretaker or interested adult when granting custody or guardianship pursuant to article six of this act or guardianship under article seventeen of the surrogate's court procedure act under this section.

§ 9. Subdivision 1 of section 110-a of the social services law, as amended by chapter 456 of the laws of 1978, is amended to read as follows:

1. Any inconsistent provision of law notwithstanding, the appropriating body of a social services district may authorize and make provision for the social services commissioner of such district to obtain: (a) necessary legal services on a fee for service basis or other appropriate basis which the department may approve, to obtain support from spouses and parents, to recover costs of public assistance and care granted, to establish paternity, and to initiate and prosecute proceedings for the commitment of the guardianship and custody of [~~destitute or~~] dependent children to authorized agencies, pursuant to the provisions of this chapter and the domestic relations law, the family court act and other laws, and (b) necessary services of private investigators, licensed pursuant to section seventy of the general business law, on a fee for service or other appropriate basis which the department may approve, to provide investigative assistance in efforts of the district to locate absent parents and fathers of children born out of wedlock.

§ 10. Subdivision 4 of section 153 of the social services law, as added by chapter 462 of the laws of 1987, is amended to read as follows:

4. For the purpose of this title, expenditures made by social services districts, cities, towns and any Indian tribe that has entered into an agreement with the department pursuant to section thirty-nine of this chapter for the care and maintenance of neglected, abused, abandoned or [~~destitute~~] **dependent** children who have been remanded, discharged or committed pursuant to the family court act of the state of New York shall, if approved by the department, be subject to reimbursement by the state in accordance with and to the extent authorized by the provisions of subdivision one.

§ 11. Subdivision 3 of section 371 of the social services law, as amended by chapter 3 of the laws of 2012, is amended to read as follows:

3. "[~~Destitute~~] **Dependent** child" means:

(a) a child under the age of eighteen**, or, pursuant to article ten-C of the family court act, upon application of the child or with the child's consent, under the age of twenty-one or, pursuant to subdivision (d) of section one thousand eighty-eight of such act, twenty-three,** who is**:**

(i) in a state of [~~want or suffering~~] **need** due to lack of sufficient food, clothing, shelter, or medical or surgical care; and:

[~~(i)~~] **(A)** does not fit within the definition of an "abused child" or a "neglected child" as such terms are defined in section one thousand twelve of the family court act; and

[~~(ii)~~] **(B)** is without any parent or caretaker as such term is defined in section one thousand ninety-two of the family court act, available to [~~sufficiently~~] **provide sufficient** care [~~for him or her~~], due to:

[~~(A)~~] **(1)** the death of a parent or caretaker; or

[~~(B)~~] **(2)** the incapacity or debilitation of a parent or caretaker, where such incapacity or debilitation would prevent such parent or caretaker from being able to knowingly and voluntarily enter into a written agreement to transfer the care and custody of [~~said~~] **the** child pursuant

to section three hundred fifty-eight-a or three hundred eighty-four-a of the social services law; or

[~~(C)~~] **(3)** the inability of the local social services district to locate any parent or caretaker, after making reasonable efforts to do so; or

[~~(D)~~] **(4)** the parent or caretaker being physically located outside of the state of New York and the local social services district is or has been unable to return said child to such parent or caretaker while or after making reasonable efforts to do so, unless the lack of such efforts is or was appropriate under the circumstances; **or**

(ii)(A) who is in the custody of, or wholly or partly maintained by a state or local agency or department, or an authorized agency or an institution, society or other organization of charitable, eleemosynary, correctional, or reformatory character or (B) who is residing in a federal placement and has no parent or legal guardian in the United States available or able to provide for the child's essential needs or obtain custody or guardianship for them; or

(b) a child who is under the age of eighteen years and absent from [~~his or her~~] **such child's** legal residence without the consent of [~~his or her~~] **the** parent, legal guardian or custodian **of such child**; or

(c) a child under the age of eighteen who is without a place of shelter where supervision and care are available who is not otherwise covered under paragraph (a) of this subdivision; or

(d) a person who is a former foster care youth under the age of twenty-one who was previously placed in the care and custody or custody and guardianship of the local commissioner of social services or other officer, board or department authorized to receive children as public charges, and who was discharged from foster care due to a failure to consent to continuation in placement, who has returned to foster care pursuant to section one thousand ninety-one of the family court act.

§ 12. Subdivision 7 of section 371 of the social services law is REPEALED.

§ 13. Subdivision 22 of section 371 of the social services law, as added by chapter 246 of the laws of 2021, is renumbered subdivision 23.

§ 14. The opening paragraph of subdivision 1 of section 372 of the social services law, as amended by chapter 663 of the laws of 2024, is amended to read as follows:

Every court, and every public board, commission, institution, or officer having powers or charged with duties in relation to abandoned, delinquent, [~~destitute,~~] neglected or dependent children who shall receive, accept or commit any child shall provide and keep a record showing:

§ 15. Subdivision 4 of section 374 of the social services law, paragraph (a) as amended by chapter 484 of the laws of 2009 and paragraph (c) as amended by chapter 690 of the laws of 1962, is amended to read as follows:

4. (a) No hospital or lying-in asylum whether incorporated or unincorporated where women or girls may be received, cared for or treated during pregnancy or during or after delivery except as hereinafter provided and no person licensed to carry on like work under the provisions of article twenty-eight of the public health law shall be an authorized agency for placing out or boarding out children or place out any child in a foster home whether for adoption or otherwise either directly or indirectly or as agent or representative of the mother or parents of such child.

(b) Every such hospital and licensed person shall forthwith report to the county or city officer or board charged by law with the care of [~~destitute~~] dependent children away from their homes where such hospital is located or where such child is cared for by such licensed person any child abandoned or left in the care or custody of such hospital or licensed person provided, however, that no such report except as provided in section three hundred seventy-two shall be required to be made by a hospital which is also an authorized agency.

(c) Such officer or board shall receive and care for such child as a [~~destitute~~] dependent or abandoned child and may bring the case of such child before the family court in the county or city for adjudication.

(d) The expense of caring for such child as a public charge shall be paid as provided by this chapter.

§ 16. Section 383-b of the social services law, as amended by chapter 279 of the laws of 2014, is amended to read as follows:

§ 383-b. Medical treatment for abused, neglected and [~~destitute~~] dependent children; consent of commissioners. The local commissioner of social services or the local commissioner of health may give effective consent for medical, dental, health and hospital services for any child who has been found by the family court to be an abused, neglected or [~~destitute~~] dependent child, or who has been taken into or kept in protective custody or removed from the place where [~~he or she~~] such child is residing, or who has been placed in the custody of such commissioner, pursuant to section four hundred seventeen of this article or section one thousand twenty-two, section one thousand twenty-four, section one thousand twenty-seven, section one thousand ninety-four or section one thousand ninety-five of the family court act.

§ 17. The section heading and paragraph (a) of subdivision 3 of section 384-b of the social services law, the section heading as amended by chapter 343 of the laws of 2010, paragraph (a) of subdivision 3 as amended by section 55 of part A of chapter 3 of the laws of 2005, are amended to read as follows:

Guardianship and custody of [~~destitute or~~] dependent children; commitment by court order; modification of commitment and restoration of parental rights.

(a) The guardianship of the person and the custody of a [~~destitute or~~] dependent child may be committed to an authorized agency, or to a foster parent authorized pursuant to section one thousand eighty-nine of the family court act to institute a proceeding under this section, or to a relative with care and custody of the child, by order of a surrogate or judge of the family court, as hereinafter provided. Where such guardianship and custody is committed to a foster parent or to a relative with care and custody of the child, the family court or surrogate's court shall retain continuing jurisdiction over the parties and the child and may, upon its own motion or the motion of any party, revoke, modify or extend its order, if the foster parent or relative fails to institute a proceeding for the adoption of the child within six months after the entry of the order committing the guardianship and custody of the child to such foster parent or relative. Where the foster parent or relative institutes a proceeding for the adoption of the child and the adoption petition is finally denied or dismissed, the court which committed the guardianship and custody of the child to the foster parent or relative shall revoke the order of commitment. Where the court revokes an order committing the guardianship and custody of a child to a foster parent or relative, it shall commit the guardianship and custody of the child to an authorized agency.

§ 18. Subdivisions 1 and 4 of section 397 of the social services law, subdivision 1 as amended by chapter 690 of the laws of 1962, subdivision 4 as amended by chapter 270 of the laws of 1972, the opening paragraph of subdivision 4 as amended by section 100 of part B of chapter 436 of the laws of 1997, are amended to read as follows:

1. As to [~~destitute~~] dependent children, as defined in subdivision three of section three hundred seventy-one of this article:

(a) Investigate the family circumstances of each child reported as [~~destitute~~] dependent in order to determine what care, supervision or treatment, if any, such child requires.

(b) Administer and supervise relief to families with [~~destitute~~] dependent children when such families are unable to care for such children and relief is necessary to prevent the separation of children from their parents.

(c) Furnish children, whose parents or guardians are unable to do so, with suitable clothing, shoes, books, food and other necessaries to enable them to attend upon instruction as required by law.

4. The provisions of this section shall not be deemed to confer on social services officials responsible only for the authorization of safety net assistance or of safety net assistance and hospital care, any powers and duties in relation to [~~destitute~~] dependent and neglected children except as follows:

(a) As to [~~destitute~~] dependent children, as defined in subdivision three of section three hundred seventy-one of this article:

(1) Authorize relief to families with [~~destitute~~] dependent children when such families are unable to care for such children and relief is necessary to prevent the separation of children from their parents.

(2) Furnish children, whose parents or guardians are unable to do so, with suitable clothing, shoes, books, food and other necessaries to enable them to attend upon instruction as required by law.

(b) As to neglected and abused children:

Report to the county commissioner any complaint they may receive of neglect and abuse of children.

(c) Provide any necessary medical care or hospital care for such children when responsible for the provision of such care under section sixty-nine.

§ 19. Subdivision 1 of section 398 of the social services law, as amended by chapter 3 of the laws of 2012, is amended to read as follows:

1. As to [~~destitute~~] dependent children, as defined in subdivision three of section three hundred seventy-one of this article:

(a) offer preventive services in accordance with section four hundred nine-a of this article when necessary to avert an impairment or disruption of a family which could result in the placement of the child in foster care;

(b) report to the local criminal justice agency and to the statewide central register for missing children as described in section eight hundred thirty-seven-e of the executive law such relevant information as required on a form prescribed by the commissioner of the division of criminal justice services, in appropriate instances; [~~and~~]

(c) assume charge of and provide care and support for any child who is a [~~destitute~~] dependent child pursuant to paragraph (a) of subdivision three of section three hundred seventy-one of this article who cannot be properly cared for in [~~his or her~~] the child's home, and if required, petition the family court to obtain custody of the child in accordance with article ten-C of the family court act[~~.~~]; and

(d) consent to the adoption of a child whose custody and guardianship has been transferred to a social services district in accordance with section one thousand ninety-five of the family court act or paragraph (a) of subdivision four of section three hundred eighty-four-b of this article, where the child's parents are both deceased, or where one parent is deceased and the other parent is not entitled to consent or notice pursuant to sections one hundred eleven and one hundred eleven-a of the domestic relations law or section three hundred eighty-four-c of this article and no other guardian or custodian has been appointed.

§ 20. Paragraph (a) of subdivision 6 and subdivision 12 of section 398 of the social services law, paragraph (a) of subdivision 6 as amended by chapter 127 of the laws of 1986, and subdivision 12 as amended by section 12 of subpart B of part Q of chapter 58 of the laws of 2011, are amended to read as follows:

(a) Investigate the family circumstances of each child reported to [~~him~~] **them** as [~~destitute~~] **dependent**, neglected, abused, delinquent, disabled or physically handicapped in order to determine what assistance and care, supervision or treatment, if any, such child requires.

12. A social services official shall be permitted to place persons adjudicated in need of supervision or delinquent, and alleged persons to be in need of supervision in detention pending transfer to a placement, in the same foster care facilities as are providing care to [~~destitute~~] **dependent**, neglected, abused or abandoned children. Such foster care facilities shall not provide care to a youth in the care of a social services official as a convicted juvenile offender.

§ 21. Section 398-e of the social services law, as amended by chapter 669 of the laws of 2022, is amended to read as follows:

§ 398-e. Eligibility for protective **and preventive** services, foster care services, **services for victims of sex trafficking, services under the kinship guardianship assistance program, adoption services, education and training vouchers** and residential services for victims of domestic violence. A noncitizen, including a non-qualified alien, as determined by applicable federal statute and regulation, is eligible for protective **and preventive** services for adults and children, foster care services, **services for victims of sex trafficking, services under the kinship guardianship assistance program, adoption services, education and training vouchers** and residential services for victims of domestic violence, to the extent such person is otherwise eligible pursuant to this chapter and the regulations of the office of children and family services and the office of temporary and disability assistance.

§ 22. Paragraph (g) of subdivision 1 of section 532-b of the executive law, as added by section 3 of part M of chapter 56 of the laws of 2017, is amended to read as follows:

(g) contact the appropriate local social services district if it is believed that the youth may be a [~~destitute~~] **dependent** child, as such term is defined in section one thousand ninety-two of the family court act. The office of children and family services shall provide appropriate guidance to the runaway and homeless youth crisis services program on how to accurately identify a youth [~~that~~] **who** may be a [~~destitute~~] **dependent** child; and

§ 23. Subdivision 7 of section 532-d of the executive law, as added by section 5 of part M of chapter 56 of the laws of 2017, is amended to read as follows:

7. contact the appropriate local social services district if it is believed that the youth may be a [~~destitute~~] **dependent** child, as such term is defined in section one thousand ninety-two of the family court

act. The office of children and family services shall provide appropriate guidance to the residential transitional independent living support program on how to accurately identify a youth [~~that~~] **who** may be a [~~destitute~~] **dependent** child;

§ 24. Paragraph (a) of subdivision 1 of section 747 of the executive law, as amended by chapter 322 of the laws of 2021, is amended to read as follows:

(a) To visit and inspect, or cause members of its staff to visit and inspect, at such times as the board may consider to be necessary or appropriate to help insure adequate supervision, public and private facilities or agencies, whether state, county, municipal, incorporated or not incorporated which are in receipt of public funds and which are of a charitable, eleemosynary, correctional or reformatory character, including all reformatories for juveniles and facilities or agencies exercising custody of dependent, neglected, abused, maltreated, abandoned or delinquent children or persons in need of supervision, agencies engaged in the placing out or boarding out of children as defined in section three hundred seventy-one of the social services law, or in operating homes for unmarried mothers or special care homes, and facilities providing residential care for convalescent, invalid, aged, or indigent persons, but excepting state institutions for the education and support of the blind, the deaf and the dumb, and excepting also such institutions as are subject to the visitation and inspection of the state department of mental hygiene or the state commission of correction. As to institutions, whether incorporated or not incorporated, having incarcerated individuals, but not in receipt of public funds, which are of a charitable, eleemosynary, correctional or reformatory character, and agencies, whether incorporated or not incorporated, not in receipt of public funds, which exercise custody of abandoned, [~~destitute,~~] dependent, neglected, abused, maltreated or delinquent children or persons in need of supervision, the board shall make inspections, or cause inspections to be made by members of its staff, but solely as to matters directly affecting the health, safety, treatment and training of their incarcerated individuals, or of the children under their custody. Visiting and inspecting as herein authorized shall not be exclusive of other visiting and inspecting now or hereafter authorized by law.

§ 25. Subdivision 1 of section 2570 of the public health law, as amended by chapter 495 of the laws of 1955, is amended to read as follows:

1. Every institution in this state, operated for the express purpose of receiving or caring for dependent[~~,~~] **or** neglected [~~or destitute~~] children or juvenile delinquents, except hospitals, shall have attached thereto a regular physician of its selection duly licensed under the laws of the state and in good professional standing, whose name and address shall be kept posted conspicuously within such institution.

§ 26. Subdivision 1 of section 2571 of the public health law, as amended by chapter 495 of the laws of 1955, is amended to read as follows:

1. The administrative officer or person in charge of every institution in this state operated for the express purpose of receiving or caring for dependent[~~,~~] **or** neglected [~~or destitute~~] children or juvenile delinquents, except hospitals, upon receiving a child therein, by commitment or otherwise, shall, before permitting such child to contact with other children, cause inquiry to be made concerning the presence or recent exposure of such child to a communicable disease.

§ 27. Paragraph 1 of subdivision (b) of section 404 of the not-for-profit corporation law, as amended by section 4 of part D of chapter 58 of the laws of 2006, is amended to read as follows:

(1) Every certificate of incorporation which includes among its purposes the care of [~~destitute,~~] delinquent, abandoned, neglected or dependent children; the establishment or operation of any adult care facility, or the establishment or operation of a residential program for victims of domestic violence as defined in subdivision four of section four hundred fifty-nine-a of the social services law, or the placing-out or boarding-out of children or a home or shelter for unmarried mothers, excepting the establishment or maintenance of a hospital or facility providing health-related services as those terms are defined in article twenty-eight of the public health law and a facility for which an operating certificate is required by articles sixteen, nineteen, twenty-two and thirty-one of the mental hygiene law; or the solicitation of contributions for any such purpose or purposes, shall have endorsed thereon or annexed thereto the approval of the commissioner of the office of children and family services or with respect to any adult care facility, the commissioner of health.

§ 28. Section 405-a of the business corporation law, as amended by chapter 107 of the laws of 2007, is amended to read as follows:

§ 405-a. Institution for children; approval of certificate.

Every certificate of incorporation which includes among its corporate purposes, the authority to care for children through the establishment or operation of an institution for [~~destitute,~~] delinquent, abandoned, neglected or dependent children shall have endorsed thereon or annexed thereto the approval of the office of children and family services. Provided, however, nothing herein shall authorize such corporation to place out or board out children, as those terms are defined in the social services law, or to care for children in a facility other than an institution possessing an operating certificate issued by the office of children and family services. No certificate of incorporation shall be approved pursuant to this section on or after June first, two thousand seven.

§ 29. This act shall take effect on the sixtieth day after it shall have become a law.