§ 115-c. Temporary guardianship by adoptive parent. In any case where physical custody of a child is transferred from the child's parent or guardian to another person or persons for the purposes of adoption and a consent to the adoption of such child has been executed pursuant to section one hundred fifteen-b of this title, the adoptive parent or parents shall, within ten court days of taking physical custody, either file a petition for adoption with a court of competent jurisdiction or file an application for temporary guardianship of the person of the child pursuant to this section with the court in which the adoption will be filed, pursuant to section seventeen hundred twenty-five of the surrogate's court procedure act or section six hundred sixty-one of the family court act except as otherwise provided herein. Such application shall include an affidavit by the adoptive parent or parents describing any change of circumstances since their certification as a qualified adoptive parent or parents, pursuant to section one hundred fifteen-d of this title, which may be material to such certification. Such a petition for adoption shall also be deemed an application for temporary guardianship, where no prior application for an order for temporary guardianship has been filed.

In any case where the adoptive parent or parents take physical custody of an adoptive child and requirements for certification as a qualified adoptive parent or parents have been waived, pursuant to section one hundred fifteen-d of this title, an application for temporary guardianship or petition for adoption for such child shall be filed with the court not later than five court days from obtaining physical custody of such child. Such time period may be extended upon motion of any person or upon the court's own motion for good cause shown.