§ 510-c. Discharge from custody. 1. The division may discharge from its custody any child placed with the division whenever it deems such discharge to be in the best interest of the child and there is reasonable probability that the child can be discharged without endangering the public safety; provided, however, that no child while absent from a division facility without the consent of the director of such facility shall be discharged by the division solely by reason of the absence, and provided further that no child in the custody of the division and transferred to the department of mental hygiene, while absent from a department of mental hygiene facility without the consent of the superintendent or director of such facility, shall be discharged by the division.

2. Except as provided in subdivision three of this section, any child who has been placed with the office of children and family services shall be deemed to have been discharged therefrom if, during the period provided in the order of placement or extension thereof, the child is convicted of a crime or adjudicated a youthful offender, and is committed to an institution in the department of corrections and community supervision or department of mental hygiene, or receives a one year sentence in a local correctional facility.

3. A child placed with the division pursuant to a restrictive placement under the family court act shall not be discharged solely by reason of conviction for a crime or adjudication as a juvenile delinquent or youthful offender, nor shall any such child be discharged except pursuant to section 353.5 of the family court act.

4. Upon the placement of any child eighteen years of age or over, or upon the eighteenth birthday of any child placed in the custody of the division for an adjudication of juvenile delinquency for having committed an act which if committed by an adult would constitute a felony, and still in the custody of the division, the division shall notify the division of criminal justice services of such placement or birthday provided, however, in the case of a child eleven or twelve years of age, at the time the act or acts were committed, the division of criminal justice services shall not be provided with the child's

name, unless the acts committed by such child would constitute a class A or B felony. Upon the subsequent discharge of said child it shall be the duty of the division to notify the division of criminal justice services of that fact and the date of discharge. For the purposes of this subdivision, a child's age shall be determined to be the age stated in the placement order.