§ 1031. Originating proceeding to determine abuse or neglect. (a) A proceeding under this article is originated by the filing of a petition in which facts sufficient to establish that a child is an abused or neglected child under this article are alleged.

(b) Allegations of abuse and neglect may be contained in the same petition. Where more than one child is the legal responsibility of the respondent, it may be alleged in the same petition that one or more children are abused children, or that one or more children are neglected children, or both.

(c) On its own motion and at any time in the proceedings, the court may substitute for a petition to determine abuse a petition to determine neglect if the facts established are not sufficient to make a finding of abuse, as defined by this article.

(d) A proceeding under this article may be originated by a child protective agency pursuant to section one thousand thirty-two, notwithstanding that the child is in the care and custody of such agency. In such event, the petition shall allege facts sufficient to establish that the return of the child to the care and custody of his parent or other person legally responsible for his care would place the child in imminent danger of becoming an abused or neglected child.

(e) In any case where a child has been removed prior to the filing of a petition, the petition alleging abuse or neglect of said child shall state the date and time of the removal, the circumstances necessitating such removal, whether the removal occurred pursuant to section ten hundred twenty-one, ten hundred twenty-two or ten hundred twenty-four of this act, and if the removal occurred without court order, the reason there was not sufficient time to obtain a court order pursuant to section ten hundred twenty-two of this act.

(f) A petition alleging abuse shall contain a notice in conspicuous print that a fact-finding that a child is severely or repeatedly abused as defined in subdivision eight of section three hundred eighty-four-b of the social services law, by clear and convincing evidence, could constitute a basis to terminate parental rights in a proceeding pursuant to section three hundred eighty-four-b of the social services law.

(g) Where a petition under this article contains an allegation of a failure by the respondent to provide education to the child in accordance with article sixty-five of the education law, regardless of

whether such allegation is the sole allegation of the petition, the petition shall recite the efforts undertaken by the petitioner and the school district or local educational agency to remediate such alleged failure prior to the filing of the petition and the grounds for concluding that the education-related allegations could not be resolved absent the filing of a petition under this article.