§ 1035. Issuance of summons; notice to certain interested persons and intervention.

(a) On the filing of a petition under this article where the child has been removed from his or her home, unless a warrant is issued pursuant to section one thousand thirty-seven of this part, the court shall cause a copy of the petition and a summons to be issued the same day the petition is filed, clearly marked on the face thereof "Child Abuse Case", as applicable, requiring the parent or other person legally responsible for the child's care or with whom he or she had been residing to appear at the court within three court days to answer the petition, unless a shorter time for a hearing to occur is prescribed in part two of this article.

(b) In a proceeding to determine abuse or neglect, the summons shall contain a statement in conspicuous print informing the respondent that:

(i) the proceeding may lead to the filing of a petition under the social services law for the termination of respondent's parental rights and commitment of guardianship and custody of the child for the purpose of adoption; and

(ii) if the child is placed and remains in foster care for fifteen of the most recent twenty-two months, the agency may be required by law to file a petition for termination of respondent's parental rights and commitment of guardianship and custody of the child for the purposes of adoption.

(c) On the filing of a petition under this article where the child has not been removed from his or her home, the court shall forthwith cause a copy of the petition and a summons to be issued, clearly marked on the face thereof "Child Abuse Case", as applicable, requiring the parent or other person legally responsible for the child's care or with whom the child is residing to appear at the court to answer the petition within seven court days. The court may also require the person thus summoned to produce the child at the time and place named.

(d) Where the respondent is not the child's parent, service of the summons and petition shall also be ordered on both of the child's parents; where only one of the child's parents is the respondent, service of the summons and petition shall also be ordered on the child's other parent. The summons and petition shall be accompanied by a notice of pendency of the child protective proceeding advising the parents or

parent of the right to appear and participate in the proceeding as an interested party intervenor for the purpose of seeking temporary and permanent release of the child under this article or custody of the child under article six of this act, and to participate thereby in all arguments and hearings insofar as they affect the temporary release or custody of the child during fact-finding proceedings, and in all phases of dispositional proceedings. The notice shall also advise the parent or parents of the right to counsel, including assigned counsel, pursuant to section two hundred sixty-two of this act, and also indicate that:

(i) upon good cause, the court may order an investigation pursuant to section one thousand thirty-four of this part to determine whether a petition should be filed naming such parent or parents as respondents;

(ii) if the court determines that the child must be removed from his or her home, the court may order an investigation to determine whether the non-respondent parent or parents would be suitable custodians for the child; and

(iii) if the child is placed and remains in foster care for fifteen of the most recent twenty-two months, the agency may be required by law to file a petition for termination of the parental rights of the parent or parents and commitment of guardianship and custody of the child for the purposes of adoption, even if the parent or parents were not named as a respondent or as respondents in the child abuse or neglect proceeding.

(e) The summons, petition and notice of pendency of a child protective proceeding served on the child's non-custodial parent in accordance with subdivision (d) of this section shall, if applicable, be served together with a notice that the child was removed from his or her home by a social services official. Such notice shall also include the name and address of the official to whom temporary custody of the child has been transferred, the name and address of the agency or official with whom the child has been temporarily placed, if different, and shall advise such parent of the right to request temporary and permanent custody and to seek enforcement of visitation rights with the child as provided for in part eight of this article.

(f) The child's adult sibling, grandparent, aunt or uncle not named as respondent in the petition, may, upon consent of the child's parent appearing in the proceeding, or where such parent has not appeared then without such consent, move to intervene in the proceeding as an

interested party intervenor for the purpose of seeking temporary or permanent custody of the child, and upon the granting of such motion shall be permitted to participate in all arguments and hearings insofar as they affect the temporary custody of the child during fact-finding proceedings, and in all phases of dispositional proceedings. Such motions for intervention shall be liberally granted.

(g) Where the petition filed 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, and where at any stage of the proceeding, the court determines that assistance by the school district or local educational agency would aid in the resolution of the education-related allegation, the school district or local educational agency may be notified by the court and given an opportunity to be heard.