§ 1055-a. Substantial failure of a material condition of surrender; enforcement of a contact agreement. (a) In case of a substantial failure of a material condition in a surrender executed pursuant to section three hundred eighty-three-c of the social services law prior to finalization of the adoption of the child, the court shall possess continuing jurisdiction in accordance with subdivision six of such section to rehear the matter upon the filing of a petition by the authorized agency, the parent or the attorney for the child or whenever the court deems necessary. In such case, the authorized agency shall notify the parent, unless such notice is expressly waived by a statement written by the parent and appended to or included in such instrument, the attorney for the child and the court that approved the surrender within twenty days of any substantial failure to comply with a material condition of the surrender prior to the finalization of the adoption of the child. In such case, the authorized agency shall file a petition on notice to the parent unless notice is expressly waived by a statement written by the parent and appended to or included in such instrument and the attorney for the child in accordance with this section within thirty days of such failure, except for good cause shown, in order for the court to review such failure and, where necessary, to hold a hearing; provided, however, that in the absence of such filing, the parent and/or attorney for the child may file such a petition at any time up to sixty days after notification of the failure. Such petition filed by a parent or child's attorney must be filed prior to the adoption of the child.

(b) If an agreement for continuing contact and communication pursuant to paragraph (b) of subdivision two of section three hundred eighty-three-c of the social services law is approved by the court, and the child who is the subject of the approved agreement has not yet been adopted, any party to the approved agreement may file a petition with the family court in the county where the agreement was approved to enforce such agreement. A copy of the approved agreement shall be annexed to such petition. The court shall enter an order enforcing communication or contact pursuant to the terms and conditions of the agreement unless the court finds that enforcement would not be in the best interests of the child.

(c) Nothing in this section shall limit the rights and remedies available to the parties and the attorney for the child pursuant to

section one hundred twelve-b of the domestic relations law with respect to a failure to comply with a material condition of a surrender subsequent to the finalization of the adoption of the child.