§ 1082. Approval, modification or denial of visitation rights. 1. (a) Upon receipt of a petition pursuant to subdivision four of section one thousand eighty-one of this part, the local department of social services shall make inquiry of the state central register of child abuse and maltreatment to determine whether or not the petitioner is a subject of an indicated report of child abuse or maltreatment, as such terms are defined in section four hundred twelve of the social services law, and shall further ascertain whether or not the petitioner is a respondent in a proceeding under this article whereby the child with whom visitation is sought has been allegedly abused or neglected or has been adjudicated as an abused or neglected child.

(b) The department, the child's attorney and the respondent in a proceeding under this article, shall have the right to be heard with respect to a petition for an order to enforce visitation rights under this part.

2. Where the local department of social services or the child's attorney opposes a petition described in section one thousand eighty-one of this part, the department or the child's attorney as appropriate shall serve and file an answer to the petition. The court shall, upon the filing of such answer, set a date for a hearing on such petition and shall notify the parents, grandparent or grandparents, the department and the child's attorney of such hearing date.

3. Whenever a hearing described in subdivision two of this section is to be held within ten court days of a dispositional hearing authorized under this article, the court may in its discretion hear such petition as part of such dispositional hearing.

4. In any hearing under this section, the court shall approve such petition unless the court finds upon competent, relevant and material evidence that enforcement of visitation rights as described in the order, judgment or agreement would endanger the child's life or health. Upon such a finding, the court shall make an order denying such petition or make such other order affecting enforcement of visitation rights as the court deems to be in the best interests of the child.

5. (a) Where a petition is approved pursuant to this section the parties may agree in writing to an alternative schedule of visitation equivalent to and consistent with the original or modified visitation order or agreement where such alternative schedule reflects changed circumstances of the parties and is consistent with the best interests of the child.

(b) In the absence of such an agreement between the parties, the court may, in its discretion, order an alternative schedule of visitation as defined herein, where it determines that such schedule is necessary to facilitate visitation and to protect the best interests of the child.