§ 1092. Definitions. When used in this article unless the specific context indicates otherwise:

(a) "destitute child" shall mean a child under the age of eighteen who is in a state of want or suffering due to lack of sufficient food, clothing, shelter, or medical or surgical care and:

(1) does not fit within the definition of an "abused child" or a "neglected child" as such terms are defined in section one thousand twelve of this act; and

(2) is without any parent or caretaker available to sufficiently care for him or her, due to:

(i) the death of a parent or caretaker; or

(ii) the incapacity or debilitation of a parent or caretaker, where such incapacity or debilitation would prevent such parent or caretaker from being able to knowingly and voluntarily enter into a written agreement to transfer the care and custody of said child pursuant to section three hundred fifty-eight-a or three hundred eighty-four-a of the social services law; or

(iii) the inability of the commissioner of social services to locate any parent or caretaker, after making reasonable efforts to do so; or

(iv) a parent or caretaker being physically located outside of the state of New York and the commissioner of social services is or has been unable to return the child to such parent or caretaker while or after making reasonable efforts to do so, unless the lack of such efforts is or was appropriate under the circumstances.

(b) "parent" shall mean any living biological or adoptive parent of the child whose rights have not been terminated or surrendered.

(c) "caretaker" shall mean a person or persons, other than a parent of a child alleged or adjudicated to be a destitute child pursuant to this article, who possesses a valid, current court order providing him or her with temporary or permanent guardianship or temporary or permanent custody of said child.

(d) "permanency hearing" shall mean a hearing in accordance with article ten-A of this act, as defined in subdivision (k) of section one thousand twelve of this act.

(e) "commissioner of social services" shall mean the commissioner of the local department of social services or, in a city having a population of one million or more, the administration for children's

services.

(f) "Interested adult" shall mean a person or persons over the age of eighteen, other than a parent or caretaker, who, at the relevant time resided with and had responsibility for the day-to-day care of a child alleged or adjudicated to be destitute.