§ 201-c. Discrimination in child-care leave prohibited. 1. Whenever an employer or governmental agency permits an employee to take a leave of absence upon the birth of such employee's child, an adoptive parent, following the commencement of the parent-child relationship, shall be entitled to the same leave and upon the same terms; provided, however, that the adoptive parent shall not be entitled to such equal child care leave, or any portion thereof, at any time after the adoptive child reaches the minimum age set forth in subdivision one of section three thousand two hundred two of the education law for attendance in public school without the payment of tuition. With respect to the adoption of a hard-to-place or handicapped child as defined in section four hundred fifty-one of the social services law who is under the age of eighteen, an adoptive parent, following commencement of the parent-child relationship, shall be entitled to such leave of absence.

2. For purposes of this section, "commencement of the parent-child relationship" shall mean:

a. When the adoption occurs under sponsorship of an authorized agency, as defined in subdivision ten of section three hundred seventy-one of the social services law, the date the child is placed by the authorized agency in the home of the adoptive parents pursuant to section three hundred eighty-four of the social services law.

b. When the adoption occurs without the sponsorship of an authorized agency, the date a petition for the adoption of a child residing with the adoptive parents is filed in a court.

3. In addition to any other penalties or actions otherwise applicable pursuant to this chapter, whenever an employer or governmental agency has refused to extend available child-care leave to an adoptive parent in violation of this section, an aggrieved individual may commence an action for equitable relief and damages. In all actions brought pursuant to this section, reasonable attorney's fees, as determined by the court, shall be awarded to the prevailing plaintiff.