§ 403-a. Proceedings for the commitment of the guardianships and custody of infants; appointment of guardians ad litem

1. The court shall appoint a guardian ad litem to represent an infant in a proceeding for the commitment of the guardianship and custody of such infant brought pursuant to section three hundred eighty-four-b of the social services law or in a proceeding where a revocation of an adoption consent is opposed under section one hundred fifteen-b of the domestic relations law.

2. As used in this section, "guardian ad litem" refers to an attorney admitted to practice law in the state of New York and designated under this section to represent infants in proceedings for the commitment of the guardianship and custody of such infant brought pursuant to section three hundred eighty-four-b of the social services law.

3. (a) The office of court administration may enter into an agreement with a legal aid society for the society to provide guardians ad litem for the surrogate's court in proceedings brought pursuant to section three hundred eighty-four-b of the social services law in a county having a legal aid society.

(b) The appellate division of the supreme court for the judicial department in which a county is located may enter into an agreement, subject to regulations as may be promulgated by the administrative board of the judicial conference, with any qualified attorney or attorneys to serve as guardian ad litem for the surrogate's court in that county in proceedings brought pursuant to section three hundred eighty-four-b of the social services law.

(c) The appellate division of the supreme court for the judicial department in which a county is located may designate a panel of guardians ad litem for the surrogate's court in that county in proceedings brought pursuant to section three hundred eighty-four-b of the social services law, subject to the approval of the administrative board of the judicial conference. For this purpose, it may invite a bar association to recommend qualified persons for consideration by such appellate division in making its designation, subject to standards as may be promulgated by such administrative board.

4. (a) An agreement pursuant to paragraph (a) of subdivision three of this section may be terminated by the office of court administration by serving a notice on the society sixty days prior to the effective date of the termination.

(b) No designations pursuant to paragraph (c) of subdivision three of this section may be for a term of more than one year, but successive designations may be made. The appellate division proceeding pursuant to such paragraph (c) may at any time increase or decrease the number of guardians ad litem designated in any county and may rescind any designation at any time, subject to the approval of the office of court administration.

5. (a) If the office of court administration proceeds pursuant to paragraph (a) of subdivision three of this section, the agreement shall provide that the society shall be reimbursed on a cost basis for services rendered under the agreement. The agreement shall contain a general plan for the organization and operation of the providing of guardians ad litem by the respective legal aid society, approved by the administrative board, and the office of court administration may require such reports as it deems necessary from the society.

(b) If an appellate division proceeds pursuant to paragraph (b) or (c) of subdivision three of this section, guardians ad litem shall be compensated and allowed expenses and disbursements in the same amounts established by section seven hundred twenty-two-b of the county law.

6. The administrative board of the judicial conference may prescribe standards for the exercise of the powers granted to the appellate divisions under this section and may require such reports as it deems desirable.

7. The cost of guardians ad litem under this section shall be payable by the state of New York within the amounts appropriated therefor.

8. Upon an appeal in a proceeding brought pursuant to section three hundred eighty-four-b of the social services law, the court to which such appeal is taken, or is to be taken, shall appoint a guardian ad

litem to represent the infant, in accordance with the provisions of this section.