§ 385. Orders; prohibiting placing out or boarding out; removal. 1. Prohibiting placing out or boarding out. Whenever the commissioner shall decide that any disposition of a child under this title has been made for purposes of gain, or without due inquiry as to the character and reputation of the person with whom such child is placed, or in such manner that such child is subjected to cruel or improper treatment or neglect or immoral surroundings, or in such manner that the religious faith of the child is not preserved and protected as provided by this title, the commissioner may issue an order prohibiting such an authorized agency, association, corporation, institution, society or other organization from thereafter placing out or boarding out any child. No such order shall be issued until after an opportunity to be heard before the commissioner or his designee and after reasonable notice has been given, with a copy of the charge. A full record of the proceedings and decision on such hearing shall be kept by the department. Any such order issued by the commissioner may be revoked by the commissioner.

2. Whenever the commissioner shall find a minor

(a) placed out or boarded out in a home which is unsuitable or has no license or certificate, or

(b) cared for under a certificate or license but neglected or without suitable care or protection, he may order its removal within thirty days by the agency which placed it and if such order cannot be served upon such agency, it may be addressed to the public board, commission, or officer of the county charged with the care of such child. If such child is not removed within the specified time, the matter may be brought before the children's court or other court having jurisdiction, for adjudication and disposition.

3. Review of orders. Any person, agency, association, corporation, institution, society or other organization, aggrieved by the decision of the commissioner in making any order pursuant to the provisions of this title, may institute, in the judicial district in which the applicant resides or has its chief office, a proceeding under article seventy-eight of the civil practice law and rules in which the reasonableness of such decision shall be subject to review.