

MEMORANDUM IN SUPPORT

A10528 (Paulin) / S7983 (Saland)

An Act to amend the family court act, the social services law and the domestic relations law, in relation to abandoned infants.

The Schuyler Center for Analysis and Advocacy (SCAA) supports A10528/S7983, a bill designed to clarify and amend social services law and the family court act to align with the provisions and intentions of New York's Abandoned Infant Protection Act of 2000.

Although the Abandoned Infant Protection Act allows a parent to leave an infant at a safe location without identifying herself or himself within five days of birth, social services districts remain responsible for locating and identifying that person to work towards reunification or to proceed with termination of parent rights. Additionally, Family Court officials are required to serve a petition and ask that the parents appear in court. These attempts to identify and locate the parents of such abandoned infants can only discourage a parent from doing so safely as the Act intended.

This bill delineates the special circumstance of an abandoned child by:

- Allowing OCFS to take custody, to appoint a law guardian, to arrange a medical exam to establish a date of birth, and to commence a court proceeding.
- Requiring 30 day public notification of the proceedings, allowing a birth parent to come forward if she/he has had a change of mind and providing a mechanism to establish maternity and paternity in that case.
- Removing the requirement in social services law to locate the parents or to establish paternity.
- Providing an alternate method for the recording of information needed for documents.
- Removing the need under domestic relations law for the parents to give consent to free such an infant for adoption.
- Removing the requirement in family court law to serve notice on the parents.
- Calling for a termination of parental rights hearing to begin within 60 days providing there has been no contact from the parent.

This bill provides clarification, limits steps that must be taken by local social services districts, and allows permanency proceedings to move forward by removing unintended barriers in the law in the special circumstance of an infant that has been abandoned.

This bill can only lead to increased safety for more infants.

Sincerely,



President & CEO
SCAA

May 22, 2008