

° Social Services Law Section 384-b specifies the grounds under which parental rights can be terminated. Previously, this law allowed only an authorized agency or a foster parent to originate a termination proceeding.

Chapter 136 of the Laws of 1987 has amended Section 384-b to add that if an authorized agency ordered by the court to originate a proceeding under this section fails to do so within the time fixed by the court, a law guardian or guardian ad litem of the child, can originate a 384(b) proceeding at the court's direction.

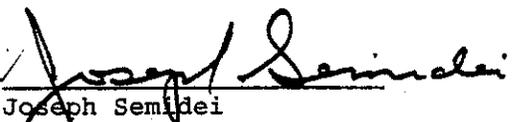
With this new legislation, the court for the first time is allowing someone not legally responsible for the care of the child to originate a petition to terminate parental rights.

° Section 392(1)(a) of Social Services Law requires Family Court reviews of the status of foster children who have been in placement for eighteen months. Chapter 902 of the Laws of 1986 amended Section 392 to require specially focused Family Court reviews for children freed for adoption.

Chapter 461 of the Laws of 1987 further amended Section 392(5)(d) of the Social Services Law. It provides that the court in reviewing the foster care status of a voluntarily placed child freed for adoption over the age of fourteen, who has withheld his or her consent to adoption, must examine at the review immediately following the child's fourteenth birthday, the law guardian's report concerning the facts and circumstances for the child's decision to withhold consent. This additional input will aid the judge in making a comprehensive review of the child's situation and on deciding the future status of the child.

Both laws are indicative of the recent trend by the legislature to give increased responsibility and standing to law guardians who are specially appointed by the court to represent the best interest of the child.

The effective dates are June 5, 1987 for Chapter 136, and August 27, 1987 for Chapter 461.


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and Children's Services