

STATE OF NEW YORK

163

2017-2018 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 4, 2017

Introduced by M. of A. HEVESI -- read once and referred to the Committee on Children and Families

AN ACT to amend the executive law and the social services law, in relation to access to court databases for local social services districts

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision 9 of section 835 of the executive law, as separately amended by chapters 14 and 155 of the laws of 2012, is amended to read as follows:

2 9. "Qualified agencies" means courts in the unified court system, the administrative board of the judicial conference, probation departments, sheriffs' offices, district attorneys' offices, the state department of corrections and community supervision, the department of correction of any municipality, the financial frauds and consumer protection unit of the state department of financial services, the office of professional medical conduct of the state department of health for the purposes of section two hundred thirty of the public health law, the [child protective services unit of a] local social services district when [conducting an investigation pursuant to subdivision six of section four hundred twenty-four of the social services law] acting within the scope of its duties pursuant to the social services law or the family court act, the office of Medicaid inspector general, the temporary state commission of investigation, police forces and departments having responsibility for enforcement of the general criminal laws of the state, the Onondaga County Center for Forensic Sciences Laboratory when acting within the scope of its law enforcement duties and the division of forensic services of the Nassau county medical examiner's office when acting within the scope of its law enforcement duties.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets [-] is old law to be omitted.

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1 § 2. Subdivision 6 of section 398 of the social services law is
2 amended by adding a new paragraph (q) to read as follows:

3 (q) Investigate the criminal background of any person of or over the
4 age of eighteen who resides or is proposed to reside with or in the same
5 home as a child who is the subject of a court proceeding pursuant to
6 article three, six, seven, ten, ten-A or ten-C of the family court act.
7 For the purpose of these investigations, and subject to the rules and
8 regulations of the division of criminal justice services, local social
9 services districts may, acting through persons specifically designated
10 by the commissioner of the local social services district, access and
11 receive records maintained by the division of criminal justice services
12 pursuant to subdivision six of section eight hundred thirty-seven of the
13 executive law.

14 § 3. Paragraph (b) of subdivision 6 of section 424 of the social
15 services law, as amended by chapter 602 of the laws of 2008, is amended
16 to read as follows:

17 (b) subject to rules and regulations of the division of criminal
18 justice services, a manager of the child protective services unit, or a
19 person with law enforcement background who is specifically designated by
20 the commissioner of the local social services district for this purpose,
21 shall have access to [~~conviction~~] records maintained by state law
22 enforcement agencies pertaining to persons of or over the age of eigh-
23 teen years who (1) are currently residing in the residence of any child
24 who is alleged to be or suspected of being abused, maltreated, or
25 neglected or who is proposed to live with such child, or (2) are named
26 in any report of suspected or alleged child abuse, maltreatment, or
27 neglect; provided that nothing in this subdivision shall be construed to
28 contradict or modify section one thousand forty-six of the family court
29 act. Any criminal history record provided by the division of criminal
30 justice services, and any summary of the criminal history record
31 provided by the office of children and family services to the child
32 protective services unit of a local social services district pursuant to
33 this subdivision, shall be kept confidential and shall not be made
34 available for public inspection. Child protective services units shall
35 not indicate a report solely based upon the existence of a conviction
36 record;

37 § 4. This act shall take effect immediately.