

2170

2009-2010 Regular Sessions

I N S E N A T E

February 12, 2009

Introduced by Sens. RANZENHOFER, GOLDEN, LARKIN, PADAVAN, ROBACH,
SALAND, VOLKER -- read twice and ordered printed, and when printed to
be committed to the Committee on Social Services

AN ACT to amend the social services law, in relation to prohibiting the
condition of benefits and services received by victims of domestic
abuse on the cooperation of the perpetrator of such abuse

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-
BLY, DO ENACT AS FOLLOWS:

1 Section 1. Section 459-g of the social services law, as renumbered by
2 chapter 169 of the laws of 1994, is renumbered section 459-h and a new
3 section 459-g is added to read as follows:
4 S 459-G. COOPERATION OF AN ABUSER NOT REQUIRED AS A CONDITION OF
5 ELIGIBILITY FOR BENEFITS OR SERVICES. 1. NEITHER THE STATE, A POLITICAL
6 SUBDIVISION OF THE STATE, A PUBLIC AUTHORITY, NOR ANY EMPLOYEE OR AGENT
7 THEREOF SHALL, IN ANY WAY, CONDITION ELIGIBILITY OR RECEIPT OF SERVICES
8 OR BENEFITS BY A VICTIM OF DOMESTIC VIOLENCE, AS DEFINED IN THIS ARTI-
9 CLE, BY REQUIRING THE VICTIM TO CONTACT THE PERSON WHO PERPETRATED SUCH
10 DOMESTIC VIOLENCE OR BY REQUIRING THE PERSON WHO PERPETRATED SUCH DOMES-
11 TIC VIOLENCE TO COMPLETE ANY FORMS, PROVIDE ANY INFORMATION, APPEAR IN
12 PERSON, OR COOPERATE IN ANY OTHER MANNER AS A PART OF SUCH VICTIM'S
13 APPLICATION FOR OR PROCESS OF CERTIFICATION FOR CONTINUED RECEIPT OF ANY
14 SERVICES OR BENEFITS IN THIS STATE.
15 2. ALTHOUGH SUCH INFORMATION OR COOPERATION SHALL NOT BE REQUIRED AS A
16 CONDITION OF ELIGIBILITY FOR OR RECEIPT OF SUCH SERVICES OR BENEFITS, IN
17 THE EVENT THE GOVERNMENTAL ENTITY, EMPLOYEE OR AGENT SEEKS ANY SUCH
18 INFORMATION OR COOPERATION, SUCH ENTITY, EMPLOYEE OR AGENT SHALL, IF
19 INFORMED CONSENT IS GIVEN IN WRITING BY SUCH VICTIM OF DOMESTIC
20 VIOLENCE, PROVIDE AN INTERMEDIARY TO MAKE SUCH CONTACT IN A MANNER THAT
21 PROTECTS THE PRIVACY, CONFIDENTIALITY AND CURRENT LOCATION OF THE
22 VICTIM. IN THE EVENT THE GOVERNMENTAL ENTITY, EMPLOYEE OR AGENT SEEKS
23 ANY SUCH INFORMATION OR COOPERATION TO COMPLY WITH ANY FEDERAL LAW,

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

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1 REGULATION OR MANDATE, SUCH ENTITY, EMPLOYEE OR AGENT SHALL SO ADVISE
2 THE VICTIM OF DOMESTIC VIOLENCE AND PROVIDE AN INTERMEDIARY TO MAKE SUCH
3 CONTACT ON BEHALF OF THE VICTIM IN A MANNER THAT WILL PROTECT THE PRIVA-
4 CY, CONFIDENTIALITY AND CURRENT LOCATION OF THE VICTIM.
5 S 2. This act shall take effect on the sixtieth day after it shall
6 have become a law.