S T A T E O F N E W Y O R K

3843--A

2009-2010 Regular Sessions

I N A S S E M B L Y

January 28, 2009

Introduced by M. of A. ROSENTHAL, WRIGHT, ABBATE, HOOPER, GREENE, AUBRY, KELLNER, JAFFEE, PAULIN, MILLMAN -- Multi-Sponsored by -- M. of A. ALFANO, BOYLAND, BRENNAN, GABRYSZAK, GOTTFRIED, JOHN, PHEFFER, SCARBOROUGH, WEINSTEIN -- read once and referred to the Committee on Social Services -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Section 459-g of the social services law, as renumbered by chapter 169 of the laws of 1994, is renumbered section 459-h and a new section 459-g is added to read as follows:

S 459-G. COOPERATION OF AN ABUSER NOT REQUIRED AS A CONDITION OF ELIGIBILITY FOR BENEFITS OR SERVICES. 1. NEITHER THE STATE, A POLITICAL SUBDIVISION OF THE STATE, A PUBLIC AUTHORITY, NOR ANY EMPLOYEE OR AGENT THEREOF SHALL, IN ANY WAY, CONDITION ELIGIBILITY OR RECEIPT OF SERVICES OR BENEFITS BY A VICTIM OF DOMESTIC VIOLENCE, AS DEFINED IN THIS ARTICLE, BY REQUIRING THE VICTIM TO CONTACT THE PERSON WHO PERPETRATED SUCH DOMESTIC VIOLENCE OR BY REQUIRING THE PERSON WHO PERPETRATED SUCH DOMESTIC VIOLENCE TO COMPLETE ANY FORMS, PROVIDE ANY INFORMATION, APPEAR IN PERSON, OR COOPERATE IN ANY OTHER MANNER AS A PART OF SUCH VICTIM'S APPLICATION FOR OR PROCESS OF CERTIFICATION FOR CONTINUED RECEIPT OF ANY SERVICES OR BENEFITS IN THIS STATE.

2. ALTHOUGH SUCH INFORMATION OR COOPERATION SHALL NOT BE REQUIRED AS A CONDITION OF ELIGIBILITY FOR OR RECEIPT OF SUCH SERVICES OR BENEFITS, IN THE EVENT THE GOVERNMENTAL ENTITY, EMPLOYEE OR AGENT SEEKS ANY SUCH INFORMATION OR COOPERATION, SUCH ENTITY, EMPLOYEE OR AGENT SHALL, IF INFORMED CONSENT IS GIVEN IN WRITING BY SUCH VICTIM OF DOMESTIC VIOLENCE, PROVIDE AN INTERMEDIARY TO MAKE SUCH CONTACT IN A MANNER THAT

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

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PROTECTS THE PRIVACY, CONFIDENTIALITY AND CURRENT LOCATION OF THE VICTIM. IN THE EVENT THE GOVERNMENTAL ENTITY, EMPLOYEE OR AGENT SEEKS ANY SUCH INFORMATION OR COOPERATION TO COMPLY WITH ANY FEDERAL LAW, REGULATION OR MANDATE, SUCH ENTITY, EMPLOYEE OR AGENT SHALL SO ADVISE THE VICTIM OF DOMESTIC VIOLENCE AND PROVIDE AN INTERMEDIARY TO MAKE SUCH CONTACT ON BEHALF OF THE VICTIM IN A MANNER THAT WILL PROTECT THE PRIVACY, CONFIDENTIALITY AND CURRENT LOCATION OF THE VICTIM.

S 2. This act shall take effect on the ninetieth day after it shall have become a law.