

5471

2011-2012 Regular Sessions

I N S E N A T E

May 25, 2011

Introduced by Sen. MAZIARZ -- read twice and ordered printed, and when printed to be committed to the Committee on Aging

AN ACT to amend the social services law, in relation to an order to gain access to persons believed to be in need of protective services for adults

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

1 Section 1. The opening paragraph of subdivision 1 of section 473-c of
2 the social services law, as added by chapter 413 of the laws of 1986, is
3 amended to read as follows:
4 A social services official may apply to the supreme court or county
5 court for an order to gain access to a person to assess whether such
6 person is in need of protective services for adults in accordance with
7 the provisions of section four hundred seventy-three of this article
8 when such official, having reasonable cause to believe that such person
9 may be in need of protective services, is refused access by such person
10 or another individual. A SOCIAL SERVICES OFFICIAL WHO IS REFUSED ACCESS
11 SHALL ASSESS, IN CONSULTATION WITH A PERSON IN A SUPERVISORY ROLE,
12 WHETHER OR NOT IT IS APPROPRIATE TO APPLY FOR AN ORDER TO GAIN ACCESS TO
13 SUCH PERSON. SUCH ASSESSMENT MUST BE MADE AS SOON AS NECESSARY UNDER THE
14 CIRCUMSTANCES, BUT NO LATER THAN TWENTY-FOUR HOURS AFTER THE INVESTIGAT-
15 ING OFFICIAL IS REFUSED ACCESS. THE DETERMINATION OF WHETHER OR NOT TO
16 APPLY FOR AN ORDER TO GAIN ACCESS AND THE REASONS THEREFOR SHALL BE
17 DOCUMENTED IN THE INVESTIGATION FILE. Such application FOR AN ORDER TO
18 GAIN ACCESS shall state, insofar as the facts can be ascertained with
19 reasonable diligence:
20 S 2. This act shall take effect immediately.

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

LBD08593-10-1