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

6360

2011-2012 Regular Sessions

I N A S S E M B L Y

March 15, 2011

Introduced by M. of A. J. RIVERA, N. RIVERA, P. RIVERA, STEVENSON -- Multi-Sponsored by -- M. of A. BOYLAND, GABRYSZAK, GIBSON, McENENY, M. MILLER, RAMOS, WEISENBERG -- read once and referred to the Committee on Judiciary

AN ACT to amend the family court act, in relation to requiring an attorney for a child to record all interviews with such child and provide courts with transcripts

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

Section 1. Section 1075 of the family court act, as amended by chapter 41 of the laws of 2010, is amended to read as follows:

S 1075. Special duties of attorney for the child. In addition to all other duties and responsibilities necessary to the representation of a child who is the subject of a proceeding under this article, an attorney for a child shall [upon]:

(A) UPON receipt of a report from a child protective agency pursuant to sections one thousand thirty-nine, one thousand thirty-nine-a, one thousand fifty-two-a, one thousand fifty-three, one thousand fifty-four, one thousand fifty-five, one thousand fifty-seven and one thousand fifty-eight OF THIS ARTICLE, review the information contained therein and make a determination as to whether there is reasonable cause to suspect that the child is at risk of further abuse or neglect or that there has been a substantive violation of a court order. Where the attorney for the child makes such a determination, the attorney shall apply to the court for appropriate relief pursuant to section one thousand sixty-one OF THIS ARTICLE. Nothing contained in this section shall relieve a child protective agency or social services official of its duties pursuant to this act or the social services law; AND

(B) RECORD ALL INTERVIEWS WITH SUCH CHILD AND SHALL PROVIDE TRANSCRIPTS OF SUCH INTERVIEWS TO THE COURT PRIOR TO ANY PROCEEDINGS.

S 2. This act shall take effect immediately.

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

LBD08978-01-1