

7062--A

Cal. No. 671

I N   S E N A T E

April 23, 2014

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Introduced by Sens. FELDER, GOLDEN, KENNEDY -- read twice and ordered printed, and when printed to be committed to the Committee on Children and Families -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the family court act, in relation to allowing the counsel for a local department of social services the authority to subpoena records for use in any investigation or proceeding relating to severe abuse, abuse or neglect

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

1     Section 1. Subdivision (a) of section 1038 of the family court act, as  
2     separately amended by chapters 272 and 724 of the laws of 1989, is  
3     amended to read as follows:  
4     (a) Each hospital and any other public or private agency having custo-  
5     dy of any records, photographs or other evidence relating to A PENDING  
6     INVESTIGATION BY A LOCAL SOCIAL SERVICES DISTRICT UPON A REPORT RECEIVED  
7     FROM THE STATE CENTRAL REGISTER OR A PENDING PETITION UNDER THIS ARTICLE  
8     ALLEGING SEVERE ABUSE, abuse or neglect, upon the subpoena of the court,  
9     the corporation counsel, county attorney, COUNSEL FOR THE LOCAL DEPART-  
10    MENT OF SOCIAL SERVICES, district attorney, counsel for the child, or  
11    one of the parties to the proceeding, shall be required to send such  
12    records, photographs or evidence to the court for use in any INVESTI-  
13    GATION OF A REPORT RECEIVED FROM THE STATE CENTRAL REGISTER OR proceed-  
14    ing relating to abuse or neglect under this article. Notwithstanding any  
15    other provision of law to the contrary, service of any such subpoena on  
16    a hospital may be made by certified mail, return receipt requested, OR  
17    BY PERSONAL SERVICE, to the director of the hospital. The court shall  
18    establish procedures for the receipt and safeguarding of such records.  
19    S 2. This act shall take effect immediately.

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

LBD14823-04-4