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

3866

2015-2016 Regular Sessions

I N A S S E M B L Y

January 27, 2015

Introduced by M. of A. BRENNAN -- read once and referred to the Committee on Mental Health

AN ACT to amend the executive law, in relation to the right to counsel for persons who receive services through the office of mental health or the office for people with developmental disabilities for certain investigations

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

Section 1. Subdivision 25 of section 553 of the executive law is amended by adding two new paragraphs (c) and (d) to read as follows:

(C) ANY PERSON WHO IS THE RECIPIENT OF SERVICES THROUGH THE OFFICE OF MENTAL HEALTH OR THE OFFICE FOR PEOPLE WITH DEVELOPMENTAL DISABILITIES OPERATED OR LICENSED AGENCY OR FACILITY, AND IS INTERVIEWED AS PART OF AN INVESTIGATION CONDUCTED BY OR ON THE PART OF THE JUSTICE CENTER FOR THE PROTECTION OF PEOPLE WITH SPECIAL NEEDS, SHALL HAVE THE RIGHT TO BE REPRESENTED BY THE MENTAL HYGIENE LEGAL SERVICE, OR PRIVATELY FINANCED COUNSEL, AT ALL STAGES OF THE PROCEEDINGS.

(D) PRIOR TO ANY INTERVIEW OF A PERSON AS DESCRIBED IN PARAGRAPH (C) OF THIS SUBDIVISION, NOTICE MUST BE GIVEN TO THE PARENT, PERSON IN PARENTAL RELATION, OR LEGAL GUARDIAN OF THAT PERSON, IF ANY, THAT AN INTERVIEW IS TO BE CONDUCTED.

S 2. This act shall take effect immediately.

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