# STATE OF NEW YORK

4155

2017-2018 Regular Sessions

# IN SENATE

February 3, 2017

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

AN ACT to amend the executive law and the social services law, in relation to access to court databases for local social services districts

**The People of the State of New York, represented in Senate and Assembly, do enact as follows:**

Section 1. Subdivision 9 of section 835 of the executive law, as separately amended by chapters 14 and 155 of the laws of 2012, is amended to read as follows:

9. "Qualified agencies" means courts in the unified court system, the administrative board of the judicial conference, probation departments, sheriffs' offices, district attorneys' offices, the state department of corrections and community supervision, the department of correction of any municipality, the financial frauds and consumer protection unit of the state department of financial services, the office of professional medical conduct of the state department of health for the purposes of section two hundred thirty of the public health law, the [~~child protective services unit of a~~] local social services district when [~~conducting an investigation pursuant to subdivision six of section four hundred twenty-four of the social services law~~] *acting within the scope of its duties pursuant to the social services law or the family court act*, the office of Medicaid inspector general, the temporary state commission of investigation, police forces and departments having responsibility for enforcement of the general criminal laws of the state, the Onondaga County Center for Forensic Sciences Laboratory when acting within the scope of its law enforcement duties and the division of forensic services of the Nassau county medical examiner's office when acting within the scope of its law enforcement duties.

§ 2. Subdivision 6 of section 398 of the social services law is amended by adding a new paragraph (q) to read as follows:

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

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**(q) Investigate the criminal background of any person of or over the age of eighteen who resides or is proposed to reside with or in the same home as a child who is the subject of a court proceeding pursuant to article three, six, seven, ten, ten-A or ten-C of the family court act. For the purpose of these investigations, and subject to the rules and regulations of the division of criminal justice services, local social services districts may, acting through persons specifically designated by the commissioner of the local social services district, access and receive records maintained by the division of criminal justice services pursuant to subdivision six of section eight hundred thirty-seven of the executive law.**

§ 3. Paragraph (b) of subdivision 6 of section 424 of the social services law, as amended by chapter 602 of the laws of 2008, is amended to read as follows:

(b) subject to rules and regulations of the division of criminal justice services, a manager of the child protective services unit, or a person with law enforcement background who is specifically designated by the commissioner of the local social services district for this purpose, shall have access to [~~**conviction**~~] records maintained by state law enforcement agencies pertaining to persons of or over the age of eighteen years who (1) are currently residing in the residence of any child who is alleged to be or suspected of being abused, maltreated, or neglected or **who is proposed to live with such child, or** (2) are named in any report of suspected or alleged child abuse, maltreatment, or neglect; provided that nothing in this subdivision shall be construed to contradict or modify section one thousand forty-six of the family court act. Any criminal history record provided by the division of criminal justice services, and any summary of the criminal history record provided by the office of children and family services to the child protective services unit of a local social services district pursuant to this subdivision, shall be kept confidential and shall not be made available for public inspection. Child protective services units shall not indicate a report solely based upon the existence of a conviction record;

§ 4. This act shall take effect immediately.