STATE OF NEW YORK

3152

2017-2018 Regular Sessions

IN ASSEMBLY

January 27, 2017

Introduced by M. of A. PEOPLES-STOKES, SCHIMMINGER -- read once and referred to the Committee on Children and Families

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 abuse or neglect

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

Section 1. Subdivision (a) of section 1038 of the family court act, as separately amended by chapters 272 and 724 of the laws of 1989, is amended to read as follows:

(a) Each hospital and any other public or private agency having custody of any records, photographs or other evidence relating to abuse or neglect, upon the subpoena of the court, the corporation counsel, county attorney **or his or her designee, counsel for the local department of social services or his or her designee**, district attorney, counsel for the child, or one of the parties to the proceeding **or an investigation of a report received from the state central register**, shall be required to send such records, photographs or evidence to the court for use in any **investigation of a report received from the state central register or** proceeding relating to abuse or neglect under this article. Notwithstanding any other provision of law to the contrary, service of any such subpoena on a hospital may be made by certified mail, return receipt requested, **or by personal service,** to the director of the hospital. The court shall establish procedures for the receipt and safeguarding of such records.

§ 2. This act shall take effect immediately.

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

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