STATE OF NEW YORK

5746

2019-2020 Regular Sessions

IN ASSEMBLY

February 14, 2019

Introduced by M. of A. GIGLIO, CROUCH, DeSTEFANO, HAWLEY, KOLB, LAWRENCE, B. MILLER, MORINELLO, PALMESANO, SAYEGH, SMITH, TAGUE -- read once and referred to the Committee on Judiciary

AN ACT to amend the family court act, in relation to admissible evidence in court proceedings to secure an order of protection

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

Section 1. Paragraph (vii) of subdivision (a) of section 1046 of the family court act, as amended by chapter 432 of the laws of 1993, is amended to read as follows:

(vii) neither the privilege attaching to confidential communications between husband and wife, as set forth in section forty-five hundred two of the civil practice law and rules, nor the physician-patient and related privileges, as set forth in section forty-five hundred four of the civil practice law and rules, nor the psychologist-client privilege, as set forth in section forty-five hundred seven of the civil practice law and rules, nor the social worker-client privilege, as set forth in section forty-five hundred eight of the civil practice law and rules, nor the rape crisis counselor-client privilege, as set forth in section forty-five hundred ten of the civil practice law and rules, shall be a ground for excluding evidence which otherwise would be admissible. **Specifically, the social worker-client privilege shall not be a ground for excluding evidence which would otherwise be admissible in a court hearing to secure an order of protection.**

§ 2. This act shall take effect on the ninetieth day after it shall have become a law.

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

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