

STATE OF NEW YORK

2399

2023-2024 Regular Sessions

IN ASSEMBLY

January 26, 2023

Introduced by M. of A. J. M. GIGLIO -- 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:

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

4 (vii) neither the privilege attaching to confidential communications
5 between husband and wife, as set forth in section forty-five hundred two
6 of the civil practice law and rules, nor the physician-patient and
7 related privileges, as set forth in section forty-five hundred four of
8 the civil practice law and rules, nor the psychologist-client privilege,
9 as set forth in section forty-five hundred seven of the civil practice
10 law and rules, nor the social worker-client privilege, as set forth in
11 section forty-five hundred eight of the civil practice law and rules,
12 nor the rape crisis counselor-client privilege, as set forth in section
13 forty-five hundred ten of the civil practice law and rules, shall be a
14 ground for excluding evidence which otherwise would be admissible.

15 Specifically, the social worker-client privilege shall not be a ground
16 for excluding evidence which would otherwise be admissible in a court
17 hearing to secure an order of protection.

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

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

LBD05373-01-3