

# STATE OF NEW YORK

6804--A

Cal. No. 412

2025-2026 Regular Sessions

## IN ASSEMBLY

March 14, 2025

Introduced by M. of A. GRIFFIN, SCHIAVONI, PHEFFER AMATO, GALLAHAN, YEGER, CLARK, BARRETT, BURDICK, MEEKS, PAULIN, ZINERMAN, MAGNARELLI, SIMON, BAILEY, LUNSFORD, PALMESANO, ANGELINO, BRABENEC, BENDETT, SLATER, TAGUE, BEEPHAN, P. CARROLL, BRONSON, McDONALD, FALL, McMAHON, CONRAD, BUTTENSCHON, KASSAY, SHIMSKY, WOERNER, SOLAGES, LEVENBERG, OTIS, STERN, HEVESI, SEAWRIGHT, KELLES -- read once and referred to the Committee on Judiciary -- recommitted to the Committee on Judiciary in accordance with Assembly Rule 3, sec. 2 -- advanced to a third reading, passed by Assembly and delivered to the Senate, recalled from the Senate, vote reconsidered, bill amended, ordered reprinted, retaining its place on the order of third reading

AN ACT to amend the mental hygiene law, in relation to disclosure of the records of court proceedings

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

1 Section 1. Subdivisions (b) and (d) of section 81.14 of the mental  
2 hygiene law, as added by chapter 698 of the laws of 1992, are amended to  
3 read as follows:

4 (b) [~~The court shall not enter an order sealing the court records in a  
5 proceeding under this article, either in whole or in part, except upon a  
6 written finding of good cause, which shall specify the grounds thereof.  
7 In determining whether good cause has been shown, the court shall  
8 consider the interest of the public, the orderly and sound adminis-  
9 tration of justice, the nature of the proceedings, and the privacy of  
10 the person alleged to be incapacitated. Where it appears necessary or  
11 desirable, the court may prescribe appropriate notice and opportunity to  
12 be heard.~~] Court records in a proceeding under this article shall not be  
13 perused, examined, disclosed, taken or copied by any other person than a  
14 party, the attorney or counsel of a party, the guardian, the court eval-  
15 uator, the court examiner except by order of the court, or the office of  
16 the attorney general. Court records shall include all documents and

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

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1 records of any nature filed with the clerk in connection with the  
2 proceeding. Documents obtained through disclosure and not filed with the  
3 clerk shall remain subject to protective orders under the civil practice  
4 law and rules.

5 (d) At the time of the commencement of the hearing, the court shall  
6 inform the allegedly incapacitated person of his or her right to request  
7 for good cause [~~that the court records be sealed and~~] that a person,  
8 persons, or the general public be excluded from the hearing.

9 § 2. Applicability. The obligation of a county clerk to limit access  
10 to the records of proceedings occurring prior to the effective date of  
11 this act shall only be limited to the extent that a county clerk can  
12 readily identify the records of proceedings to which this act applies. A  
13 court may also seal or limit access to the records of proceedings held  
14 prior to the effective date of this act, provided, however, that such  
15 action shall not abridge the court's authority to further restrict  
16 access for good cause shown pursuant to any other law, regulation or  
17 rule.

18 § 3. This act shall take effect immediately and shall apply to any and  
19 all past, present and future proceedings held pursuant to article 81 of  
20 the mental hygiene law on and after the effective date of this act.