§ 47.01 Mental hygiene legal service.

(a) There shall be a mental hygiene legal service of the state in each judicial department. The service shall provide legal assistance to patients or residents of a facility as defined in section 1.03 of this chapter, patients or residents of residential healthcare facilities licensed and operating pursuant to article twenty-eight of the public health law who have been admitted directly from a facility as defined in section 1.03 of this chapter and who have a serious mental illness as defined in section 1.03 of this chapter and are receiving services related to such illness, or any other place or facility which is required to have an operating certificate pursuant to article sixteen or thirty-one of this chapter, and to persons alleged to be in need of care and treatment in such facilities or places, and to persons entitled to such legal assistance as provided by article ten of this chapter. The head of such service in each judicial department and such assistants and such staff as may be necessary shall be appointed and may be removed by the presiding justice of the appellate division of the judicial department. Appointments and transfers to the service shall comply with the provisions of the civil service law. Standards for qualifications of the personnel in the service shall be established by the presiding justice of the appellate division of the judicial department. The presiding justice of the appellate division of the judicial department shall promulgate such rules or regulations as may be necessary to effectuate the purposes of this article.

(b) No court, judge or justice exercising responsibility for the administration of the courts pursuant to section twenty-eight of article six of the constitution shall be disqualified in any judicial proceeding brought pursuant to this article solely by reason of the fact that administrative responsibilities with respect to the service are imposed herein.