§ 473-c. An order to gain access to persons believed to be in need of protective services for adults. 1. A social services official may apply to the supreme court or county court for an order to gain access to a person to assess whether such person is in need of protective services for adults in accordance with the provisions of section four hundred seventy-three of this article when such official, having reasonable cause to believe that such person may be in need of protective services, is refused access by such person or another individual. A social services official who is refused access shall assess, in consultation with a person in a supervisory role, whether or not it is appropriate to apply for an order to gain access to such person. Such assessment must be made as soon as necessary under the circumstances, but no later than twenty-four hours after the investigating official is refused access. The determination of whether or not to apply for an order to gain access and the reasons therefor shall be documented in the investigation file. Such application for an order to gain access shall state, insofar as the facts can be ascertained with reasonable diligence:

(a) the name and address of the person who may be in need of protective services for adults and the premises on which this person may be found;

(b) the reason the social services official believes the person may be in need of protective services for adults, which may include information provided by other agencies or individuals who are familiar with the person who may be in need of protective services for adults;

(c) the person or persons who are responsible for preventing the social services official from gaining access to the person who may be in need of protective services for adults;

(d) the efforts made by the social services official to gain access to the person who may be in need of protective services for adults;

(e) the names of any individuals, such as physicians or nurses, or other health or mental health professionals qualified to participate in the assessment, who shall accompany and assist the social services official conducting an assessment of the need of a person for protective services for adults;

(f) the manner in which the proposed assessment is to be conducted;

(g) that the social services official seeks an order solely for the purpose of assessing the need of a person for protective services for

adults in accordance with the provisions of section four hundred seventy-three of this article and applicable regulations of the department;

(h) that no prior application has been made for the relief requested or for any similar relief, or if prior application has been made, the determination thereof, and the new facts, if any, that were not previously shown which warrant a renewal of the application.

2. Any allegations which are not based upon personal knowledge shall be supported by affidavits provided by a person or persons having such knowledge. Such affidavits shall be attached to the application.

3. The applications authorized in this section shall have preference over all other causes in all courts of appropriate jurisdiction, except those with a similar statutory preference.

4. If the court is satisfied that there is reasonable cause to believe that a person in need of protective services for adults may be found at the premises described in the application, that such person may be in need of protective services for adults, and that access to such person has been refused, it shall grant the application and issue an order authorizing the social services official and such other individuals as may be designated by the said official, accompanied by a police officer, to enter the premises to conduct an assessment to determine whether the person named in the application is in need of protective services for adults. The standard for proof and procedure for such an authorization shall be the same as for a search warrant under the criminal procedure law.

5. The provisions of this section shall not be construed to authorize a social services official to remove any person from the premises described in the application, or to provide any involuntary protective services to any person other than to assess a person's need for protective services for adults. Nothing in this section shall be construed to impair any existing right or remedy.