

2009 Chapters of Interest

Child Day Care

Child day care subsidies - Chapter 233 of the Laws of 2009 (S.2091/A.3657; Montgomery/Scarborough)

- Prohibits requiring subsidy applicants to seek court ordered child support as a prerequisite for child care assistance.

Status: Effective 7/23/09

On-line posting opt-out - Chapter 354 of 2009 (A.2311-A/S.3423-A; Lifton/Montgomery)

- Allows group family day care home and family day care home providers to “opt-out” of having OCFS make available to the public online the provider’s address or map showing the provider’s location.

Status: Effective 10/25/09

Child Protection

Custody and visitation- Chapter 295 of the Laws of 2009 (A.2004-A/S.5697; Weinstein/Sampson)

- Office of Court Administration (OCA) bill which makes technical corrections to Chapter 595 of the Laws of 2008 regarding database checks by the court prior to making orders of custody and visitation. Does not address the OCFS Feasibility Study.

Status: Effective 8/11/09

Societies for the prevention of cruelty to children (SPCC) - Chapter 329 of the Laws of 2009 (A.7846-B/S.4865-B; Millman/ Montgomery)

- Eliminates the special powers of SPCC to provide child protective services.
- Provides a five year delay in the effective date for Erie County.
- Maintains the peace officer status of the SPCC in Rockland for 5 years.

Status: Effective 8/11/09

Evidence in permanency hearings- Chapter 334 of the Laws of 2009 (A.8282-A/S.3866-A; Bradley/Montgomery)

- OCA bill which clarifies that evidence in permanency hearings under Article 10-A of the Family Court Act must be material and relevant, but need not be competent.

Status: Effective 10/10/09

Criminal Justice

Child crime victims - Chapter 272 of the Laws of 2009 (S.3402/A.8060; Hassell-Thompson/ Markey)

- Crime Victims Board (CVB) bill that allows CVB to make awards for property damage, transportation costs and counseling to child victims who do not suffer physical injury.

Status: Effective 7/28/09

Domestic Violence

Employment discrimination- Chapter 80 of the Laws of 2009 (S.958-B/A.755-A, C. Johnson/Paulin)

- Adds status as a victim of domestic violence to the classes of persons protected against employment discrimination under the State’s Human Rights Law.

Status: Effective 7/7/09

Seal application for name change - Chapter 83 of the Laws of 2009 (A.3468/S.4334; Scarborough/Kruger)

- Requires the court to seal an application for a name change where the applicant is a victim of domestic violence.

Status: Effective 7/7/09

Bars compelling victim to contact abuser - Chapter 428 of the Laws of 2009 (A.3843-A/S.5036; Rosenthal/Hassel-Thompson)

- Prohibits any governmental subdivision, public authority, or employees and agents thereof from compelling domestic abuse victims to contact their abusers directly for any reason in connection with a victim’s application for benefits or services.
- Requires governmental entities to provide a confidential intermediary to contact such abusers for needed information.

Status: Effective 12/15/09

Law guardian training on domestic violence - Chapter 476 of the Laws of 2009 (A.9017/S.5031-A; Weinstein/Hassell-Thompson)

- Governor’s Program Bill requiring attorneys for children to receive training on domestic violence issues.
- Requires the court to state on the record how domestic violence and/or child abuse, if applicable, factored into the award of custody or visitation.

Status: Effective 12/15/09, except bill sections 7, 8 and 10 concerning certain CPL provisions which are effective 1/14/10

General

Open meetings law - Chapter 26 of the Laws of 2009 (A.3169/S.2754; Bradley/C. Johnson)

- Requires a public body to post the time and place of meetings subject to the Open Meetings Law on its website when able to do so.

Status: Effective 7/7/09

Personal privacy protection law requests - Chapter 27 of the Laws of 2009 (A.6382/ S.3020; Destito/Valesky)

- Requires acceptance of requests for records under the Personal Privacy Protection Law in email format and that the agency respond by email when reasonably available, unless a response in other form is requested.

Status: Effective 5/12/09

Revolving door exception- Chapter 36 of the Laws of 2009 (A.5049/S.4809; Destito/ Breslin)

- Allows former state employees terminated between 1/1/09 and 4/1/11 as part of a reduction in force to appear before their former agency without waiting the required two years.

Status: Effective 8/11/09

Mentor-protégé programs for state contractors - Chapter 360 of the Laws of 2009 (A.4091/S.1591; Millman/ Thompson)

- Requires state agencies, departments or authorities which let more than ten million dollars in service and construction contracts to establish mentor-protégé programs to encourage the development of small, minority, and women-owned business enterprises (MWBE).

Status: Effective 8/26/09

Bans government use of term “oriental” - Chapter 385 of the Laws of 2009; (A.7698/S.5048; Meng/Johnson, C.)

- Requires the elimination of the use of the term “oriental” in documents utilized by state agencies, public authorities and municipalities when referring to persons of Asian or Pacific Islander heritage.

Status: Effective 8/26/09

Professional license surcharges - Chapter 396 of the Laws of 2009; (A.8219/S.4200; Glick/Stavisky)

- State Education Department (SED) bill authorizing the Commissioner of Education to impose a 15% surcharge on any professional fee charged under Article 8 of the Education Law, where such fee is subject to deposit in the Office of Professions account.
- Affected licenses include licensed master social workers and licensed clinical social workers, psychologists, mental health practitioners.

Status: Effective 8/26/09, applicable to fees received on and after 9/25/09

Children's mental health plan- Chapter 413 of the Laws of 2009 (S.3146-A/A.7116-A; Huntley/Rivera, P.)

- Revises statutes governing the Children's Mental Health Plan to reflect current involvement of all nine state child-serving agencies and the Council on Children and Families.

Status: Effective 8/26/09

Contractor utilization plans for MWBE - Chapter 429 of 2009 (A.4092/S.1787; Millman/Stewart-Cousins)

- Requires agencies to post contractor MWBE utilization plans on the agency website.

Status: Effective 9/16/09

Office of Temporary and Disability Assistance

Child support modernization act - Chapter 343 of the Laws of 2009 (A.8888/S.3879-A; Weinstein/Montgomery)

- Office of Temporary and Disability Assistance (OTDA) bill which updates terminology and clarifies role of local social service district in child support enforcement.

Status: Effective 1/31/10

Sexual assault information for public assistance recipients - Chapter 427 of the Laws of 2009 (A.3378/S.4077; Rosenthal/Squadron)

- Directs social services districts to inform applicants and recipients of public assistance of their option to receive an information packet appropriate for victims of sexual assault.
- The information provided must include referrals and contact information for all local programs and services including sexual assault examiner programs, rape crisis centers and other advocacy, counseling and hotline services appropriate for such victims.

Status: Effective 3/15/10

Vetoes of interest

Open meetings law violations Veto No. 3 (A.2046-A/S.3453; John/Oppenheimer)

- Adds enforcement provisions for Open Meetings Laws violations to allow court to stay proceedings or impose a fine. Vetoed by the Governor for technical flaws.

Victim of domestic violence process and mail Veto No. 8 (A.2858-A/S.3580-A; Weinstein/Adams)

- Requires the Department of State to establish a procedure to accept process and mail on behalf of victims of domestic violence.

Proposed rulemaking Veto No. 9 (A.7548/ S.818; Gianaris/Kruger)

- Permits agencies to extend public comment period for proposed rulemaking; requires agencies to grant, or explain the denial for, a request for an extension from the Legislature, Attorney General or Comptroller.

Department of Labor study hostile workplaces Veto No. 30 (A.2247-B/S.1948-B; Schroeder/Stachowski)

- Directs the Department of Labor to study hostile workplace behavior and report on the consequences.

Hotline for reporting abuse Veto No. 44 (A.8972-A/S.5930-A; Weisenberg/ Huntley)

- Requires the Office of Mental Health (OMH) and the Office of Mental Retardation and Developmental Disabilities (OMRDD) to each set up a hotline for reports of abuse of adults in OMH and OMRDD licensed and operated facilities.

Discrimination based on disability Veto No. 61 (A.781-B/S.5396; Paulin/ Huntley)

- Adds to New York State law anti-discrimination provisions similar to the federal Americans with Disabilities Act pertaining to services provided by public entities.

Training on investigation of sexual assaults Veto No. 68 (A.4629-B/S.5042; Weinstein/ Hassell-Thompson)

- Requires police officers and child protective services workers to receive training on investigation of crimes involving sexual assaults.

Employer retaliation against whistleblowers Veto No. 72 (A.7144-A/S.5737; Benedetto /Klein)

- Expands provisions protecting employees from retaliatory actions by employers where such employees report suspected illegal business activities or improper governmental actions to a governmental body.