

82 INF-018

Chapter 154, Laws of 1982: Short
Term Involuntary Protective Services
Orders



NEW YORK STATE
DEPARTMENT OF SOCIAL SERVICES
 40 NORTH PEARL STREET, ALBANY, NEW YORK 12243-0001
 ARTHUR Y. WEBB
Acting Commissioner



(An Informational Letter informs local districts of potential developments in the Social Services field, or of actual or potential developments in collateral fields of interest.)

INFORMATIONAL LETTER

TRANSMITTAL NO: 82 INF-018
 (Adult Services)

TO: Commissioners of Social Services

SUBJECT: Chapter 154, Laws of 1982: Short Term
 Involuntary Protective Services Orders

DATE: November 8, 1982

SUGGESTED
 DISTRIBUTION: County and Agency Attorneys
 Directors of Social Services
 Protective Services for Adults Staff

CONTACT PERSON: Any questions concerning this release should be directed to Christina Hay, Division of Adult Services by calling 800-342-3715, ext. 3-1713, or Sharon Lane ext. 3-8728, or Irv Abelman (212) 488-5097.

I. Purpose:

The purpose of this release is to inform the local districts of Chapter 154 of the Laws of 1982 which makes two minor technical changes in section 473-a(11) and (13) of the Social Services Law. As you know, section 473-a SSL pertains to Short Term Involuntary Protective Services Orders.

II. Background:

As discussed in 81 ADM-57, Chapter 991 of the Laws of 1981 established a new section 473-a in the SSL which authorizes the districts to petition the courts for Short Term Involuntary Protective Services Orders on behalf of adults who are at imminent risk of death or serious physical harm and cannot understand the consequences of their situation.

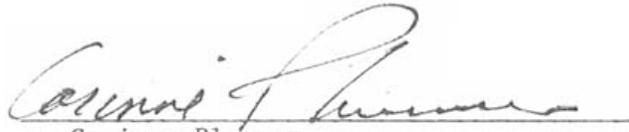
FILING REFERENCES

| Previous ADMs/INFs | Department Regs. | Soc. Serv. Law & Other Legal Ref. | Bulletin/Chapter Ref. | Misc. Ref. |
|------------------------|------------------|-----------------------------------|-----------------------|--|
| 81 ADM 57 82 ADM 32 | 457 | 473 473-a | 194 | Protective Services For Adults: Reports to the Governor and the Legislature. (March 81 and March 82) |

Chapter 154 corrects a typographical error and adds language that was inadvertently dropped in the final printing of the statute. This language clarifies that a pending proceeding under Section 9.43 of the MHL or under Articles 77 or 78 of the MHL does not preclude the commencement of a proceeding under section 473-a SSL. A copy of this law is attached to this release.

III. Program Implications:

The enactment of Chapter 154 has no new programmatic implications, since its provisions have been addressed in the Department's previously released regulation and administrative directives. Therefore, in the implementation of section 473-a SSL, districts shall continue to proceed in accordance with the provisions of 81 ADM-57 and 82 ADM-32.



Corinne Plummer
Deputy Commissioner
Division of Adult Services

Att.

STATE OF NEW YORK

S. 8603

A. 10899

SENATE—ASSEMBLY

March 16, 1982

IN SENATE—Introduced by Sen. PADAVAN—read twice and ordered printed, and when printed to be committed to the Committee on Social Services

IN ASSEMBLY—Introduced by M. of A. WEINSTEIN—read once and referred to the Committee on Social Services

AN ACT to amend the social services law, in relation to protective services for adults

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

- 1 Section 1. Subdivisions eleven and thirteen of section four hundred
2 seventy-three-a of the social services law, as added by chapter nine
3 hundred ninety-one of the laws of nineteen hundred eighty-one, are
4 amended to read as follows:
5 11. [Appeal. Appeals] Appeals. Appeals arising from the issuance of
6 judgments pursuant to the provisions of this title shall be expedited.
7 13. Nothing in this title precludes the simultaneous commencement of a
8 proceeding under this title and a proceeding under section 9.43 of the
9 mental hygiene law, or a proceeding under article seventy-seven or arti-
10 cle seventy-eight of such law, A pending proceeding under section 9.43
11 of the mental hygiene law or under article seventy-seven or article
12 seventy-eight of the mental hygiene law does not preclude commencement
13 of a proceeding under this title.
14 § 2. This act shall take effect immediately.

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

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