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THE LAWYER'S GUIDE TO Agency Adoptions



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The **Lawyer's Guide to Agency Adoptions** is intended for use by lawyers and child welfare professionals who are involved in the adoption of a child from the New York State foster care system. The Guide is a product of the work of the Statewide Permanency Now Workgroup (fka Adoption Now Workgroup) whose mission is to facilitate permanency for New York foster children. The Guide was originally developed in 1997 by the Center for Development of Human Services, SUNY Research Foundation under contract with the New York State Office of Children and Family Services. It was developed in cooperation with attorneys in private practice. The updated version is a collaborative project of the Statewide Permanency Now Workgroup which again benefited from the pro bono assistance of attorneys in private practice and included contributions from:

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LAWYER’S GUIDE TO AGENCY ADOPTIONS

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PART ONE:

Agency Adoption

I. ADOPTION IN NEW YORK STATE

A. Adoption Defined

“Adoption is the legal proceeding whereby a person takes another person into the relation of child and thereby acquires the rights and incurs the responsibilities of parent in respect of such other person.”¹ After an Order of Adoption has been issued, the birth parents are generally relieved of all parental duties and responsibilities and have no rights over the child or the child’s property. Exceptions to this are: stepparent adoptions;² adoption of a child by the unmarried partner of the birth parent;³ conditional surrenders;⁴ and specific exceptions regarding inheritance rights.⁵

B. Two Types of Adoption

There are two types of adoption in New York State:

- Agency Adoption (social services district, voluntary authorized agency [domestic/international] and Indian Tribe with a State/Tribal Agreement⁶)
- Private-Placement Adoption (private or independent adoption)

In a public agency adoption, an authorized agency (either the social services district or a voluntary authorized agency under contract with the local district) places a child in a home for the purpose of foster care and/or adoption and supervises the placement until the child is adopted. Custody and guardianship of the child remains with the commissioner of the social services district until the Order of Adoption is issued. In a non-public adoption from a voluntary authorized agency, custody and guardianship remain with the voluntary authorized agency until the adoption is finalized. Private adoptions are adoptions where the child is not placed by an authorized agency.⁷ International adoptions are those where the child is born and living outside the United States.

This Guide provides information solely on the representation of clients in public agency adoptions.

C. The Adoption Proceeding

A proceeding to adopt a foster child is initiated by the filing of an adoption petition and supporting documents by the adoptive parent along with the requisite documents from the authorized agency having guardianship and custody of the child or placing the child for adoption.⁸

¹ DRL § 110

² DRL §§ 110,117

³ See *Matter of Jacob*, 86 NY2d 651, 636 N.Y.S.2d 716,660 N.E.2d 397 (1995) (the partner of a child’s birth mother who is raising the child with the birth mother may become the child’s second parent through adoption).

⁴ See SSL § 383-c(2) and (5)(b)(ii) and 384 (2) (a parent may add additional terms to a surrender instrument that allows the parent to retain certain rights).

⁵ DRL § 117

⁶ Indian Child Welfare Act 25 USC 1901 et seq.; 18 NYCRR 431.18

⁷ DRL § 109(5)

⁸ DRL § 111(1)(1) requires that the consent of any authorized agency having custody of a child be obtained before the child can be adopted.

II. CHILD WELFARE SERVICES IN NEW YORK STATE

Child welfare services in the State of New York are generally state supervised and locally administered. The New York State Office of Children and Family Services (OCFS) is responsible for the regulation and supervision of the delivery of child welfare service in the State.⁹ OCFS establishes and disseminates child welfare policy through promulgation of regulations and the issuance of releases referred to as administrative directives, information letters and local commissioner memoranda. Applicable regulations are found at Title 18 of the Codes, Rules and Regulations of the State of New York and the policy releases are available on the OCFS website.¹⁰

The State is divided into local social services districts that are responsible for providing social services to the residents of that district. The five boroughs of New York City are one social services district. New York City Children's Services administers child welfare services in New York City.¹¹

Local social services districts may directly provide foster care and adoption services or may contract with private not-for-profit organizations known as voluntary authorized agencies to provide foster care and adoption services. These other agencies are referred to as contract or provider agencies.

III. FOSTER CHILDREN

A. Legal Responsibility for Foster Children

A foster child is "any person, in the care, custody or guardianship of an authorized agency, who is placed for temporary or long-term care."¹² The term "authorized agency" includes commissioners of local social services districts and not-for-profit agencies empowered under the laws of the State of New York to place out or to board out children, i.e., voluntary authorized agencies.¹³ Although a voluntary authorized agency may be assigned to provide foster care and adoption services for a child, foster children remain in the custody of the local social services commissioner. The local social services commissioner, therefore, retains ultimate responsibility for foster children until they are adopted or otherwise discharged from foster care.

B. Placement of Children in Foster Care

A child's parent or guardian may voluntarily place a child in foster care by transferring the care and custody of the child to the local department of social services. In all cases, such transfer must be effectuated by a written agreement known as the transfer instrument,¹⁴ commonly referred to as a voluntary placement agreement. If the child is to remain in foster care for more than thirty days, the local commissioner must file a petition with the appropriate family court for approval of the voluntary placement agreement.¹⁵ After a child has been voluntarily placed in foster care, the child's foster care status must be reviewed periodically in a permanency hearing by a family court in accordance with time frames set forth by statute.¹⁶

⁹ In 1997, the New York State Department of Social Services was reorganized as the Department of Family Assistance. The Department of Family Assistance is composed of the Office of Temporary and Disability Assistance and the OCFS. The OCFS has oversight of foster care and adoption services in New York State.

¹⁰ www.ocfs.state.ny.us

¹¹ Until early 1996, the functions performed by Administration for Children's Services were carried out by the Child Welfare Administration (CWA) of the New York City Human Resources Administration (HRA).

¹² SSL § 371(19)

¹³ SSL § 371(10)(a) and (b); 18 NYCRR 4412(b), (c), and (d)

¹⁴ SSL § 384-a

¹⁵ SSL § 358-a. An authorized agency that has accepted the surrender of a child not in foster care pursuant to SSL§384 must also file such a petition if the child will remain in the custody and guardianship of the authorized agency for more than thirty days. SSL § 358-a(1)

¹⁶ FCA § 1089

A child may also enter foster care through the voluntary transfer of guardianship and custody by the parent or guardian to the commissioner of a social services district. In these cases, such transfer is effectuated by a surrender agreement executed pursuant to Social Services Law § 384. The same rules for securing approval of the placement pursuant to SSL § 358-a that apply to voluntary placement agreements apply to SSL Social Services Law § 384 surrender agreements.

A child may also be placed in foster care by an order of the family court pursuant to Family Court Act (FCA) Articles 3, 7, or 10. FCA Article Three pertains to juvenile delinquency proceedings. FCA Article 7 pertains to proceedings concerning whether a person is in need of supervision (PINS). FCA Article 10 pertains to child protective proceedings involving abused or neglected children. Most of the court-placed children who go through the adoption process have been placed in foster care pursuant to FCA Article 10. Children are placed in foster care pursuant to FCA Article 10 as a result of a finding of abuse or neglect against the child's parent or other person legally responsible for the child's care.¹⁷ In a proceeding held pursuant to FCA Article 10, the judge can issue an order granting the local commissioner of social services custody of the child, if circumstances warrant removal of the child from his or her home, thereby placing the child in foster care.¹⁸

If a child is placed in foster care or directly placed under Article 10 with a relative or other suitable person, the Court must set a date certain for a permanency hearing, the date of which must be no more than eight months from the date of removal of the child from his or her home.¹⁹ If the child is to remain in foster care, or directly placed with a relative or other suitable person, there must be permanency hearings commenced every six months after completion of the previous permanency hearing, on a date certain set by the court.²⁰

C. Permanency Goal of Adoption

If a child remains in foster care and cannot be safely returned home within time frames specified by state law and it is determined that the best permanency goal for the child is adoption, procedures to legally free the child for adoption, by terminating the rights of the child's parent(s) or accepting the surrender of the child, must be commenced where the parent's consent to adoption is required. (See Part II Section IV, below.) A prospective adoptive parent may initiate an adoption proceeding by submitting an adoption petition to the clerk of the court where a termination of parental rights proceeding is pending. (See Part II Section V(C), below.) After the child is legally free, he or she can be adopted. After the child has been freed for adoption whether by an involuntary termination of parental rights or by voluntary surrender, the foster care status and adoption status of the child must be reviewed in a permanency hearing commenced no more than thirty (30) days after the hearing at which the child was freed and must be completed within thirty (30) days of commencement.²¹ Subsequent permanency hearings must be commenced within six months from the completion of the prior permanency hearing.

D. Termination of Parental Rights

A petition to terminate parental rights (TPR) of both parents from whom consent is required must be filed if the child has been in foster care for fifteen of the most recent twenty two months, if the parent has been convicted of a certain category of crime; or, the child has been determined to be abandoned. Unless one of the statutory or regulatory exceptions applies, a TPR must be filed.²²

When a child is placed in foster care either by voluntary placement or by order of the family court in an Article

¹⁷ FCA § 1012

¹⁸ FCA § 1055(a)

¹⁹ FCA § 1055(b)(i)(C), FCA § 1089

²⁰ FCA § 1089(a)(3)

²¹ SSL § 384-b(8)(f)&(9); FCA § 1089(a)

²² See 18 NYCRR 430.12(d)(2)

10 proceeding, a petition under SSL § 384-b or FCA 6 may be filed to terminate the parent's rights.²³ A result of this action may be the freeing of the child for adoption. The grounds upon which a petition can be filed are:²⁴

- a. The parent or parents, whose consent to the adoption would be required, have abandoned the child in the six months immediately prior to the petition filing date (abandonment consists of the failure to visit or communicate although able to do so, and a failure to support).²⁵
- b. The parent or parents, whose consent to the adoption would be required, are presently, and for the foreseeable future, unable to provide proper and adequate care, by reason of mental illness or retardation, and the child has been in the care of an authorized agency, for one year prior to the filing of the petition.²⁶
- c. The child is permanently neglected.²⁷ This is a child whose parents have failed for a period of at least one year or 15 of the most recent 22 months to properly plan for the return of their child by failing to maintain substantial contact or, failed to engage in court ordered services and the agency has provided diligent efforts towards reunification. Diligent efforts are not required when the Court has made a prior determination that reasonable efforts to reunify are not required.²⁸
- d. The parent or parents, whose consent to an adoption would be required, severely or repeatedly abused their child.²⁹

A parent's legal rights to a child may also be terminated by the parent executing a voluntary surrender agreement which must be approved by a family court after a finding that the surrender agreement, including any conditions, are in the child's best interests. Surrender agreements must be in writing and must be signed by all parties. If there is an adoptive resource at the time of the surrender, and the surrender provides for communication or contact between the child and the child's birth parent or parents, the adoptive resource must also sign. If a condition of the surrender agreement involves sibling visitation with a child over the age of 14, in order to be enforceable, the child over the age of 14 must also sign the agreement.

A surrender agreement may designate a particular person or persons as the adoptive resource, provided, however, an authorized agency may not accept such a surrender unless the particular person is certified or approved as a foster parent and the child's permanency plan is for this person to adopt the child or the authorized agency has approved the person as an adoptive parent.

An approved surrender agreement must be attached to any adoptive petition and must be incorporated into any Order of Adoption and attached to the Order. There are statutory procedures for enforcement of the conditions in a voluntary surrender agreement pre and post adoption.³⁰

At the time of signing a surrender agreement, or at any other time, if a birth parent signs an Adoption Information Registry Birth Parent Registration Form,³¹ it must be submitted to the court with the adoption petition and accompanying papers. This form is used to register a birth parent's consent to the adoption registry releasing the

²³ A petition seeking to terminate a parent's rights may also be filed in proceedings pursuant to FCA Article 3 (Juvenile Delinquency) and FCA Article 7 (Persons in Need of Supervision [PINS]) however, the nature of placement pursuant to these articles is an exception to the mandatory filing of a TPR

²⁴ SSL § 384(b)(v)(4)(a) allows for a filing of a TPR where "Both parents of the child are dead, and no guardian of the person of the child has been lawfully appointed." In this instance, an adoption may commence without the step of any proceeding under this statutory section.

²⁵ SSL § 384-b(4)(b)

²⁶ SSL § 384-b(4)(c)

²⁷ SSL § 384-b(4)(d)

²⁸ SSL § 384-b(7)(a)

²⁹ SSL § 384-b (8)(a) and (b)

³⁰ SSL §§ 383(c)(2) & (5)(b)(ii); SSL § 384(c)

³¹ 08 OCFIS-INF-12

birth parent's name and address to their biological child after an adoption. The child must be at least 18 years of age to obtain the information. The form may also be used after the registration to change the decision made at the time of the registration.

Upon the entry of an order committing the guardianship and custody of a child, thereby terminating parental rights, the court must inquire whether any foster parent, or relative of the child, or any other person seeks to adopt the child. If such person seeks to adopt then the person may submit, and the court must accept, all petitions for the adoption of the child or the court may be informed that the adoption petition has already been filed during the pendency of the TPR pursuant to Domestic Relations Law (DRL) § 112(8). The court must then establish a schedule for the completion of other inquiries and must set a schedule for the completion of the adoption.

IV. FOSTER PARENTS

A. Status of Foster Parents

A foster parent is “any person with whom a child, in the care, custody or guardianship of an authorized agency, is placed for temporary or long-term care.”³² Although foster parents do not have custodial rights to the children placed in their care, foster parents do have certain rights which can be safeguarded through court proceedings, the administrative fair hearing process, or the local district independent review or conference process. For example, a foster parent who has cared for a child for at least 12 continuous months has the right to intervene in any proceeding concerning the custody of the child and has the right to preference and first consideration in the adoption of the child.³³ Foster parents must be given at least 10 days notice before a foster child is removed from their home, unless the health or safety of the child requires immediate removal. This notice must advise the foster parent that he or she may request a conference with the authorized agency to contest the proposed removal.³⁴ A foster parent also has a right to receive a copy of the child's permanency hearing report and has the right to notice and to be heard at any permanency hearing involving the child.³⁵ Foster parents are parties in every permanency hearing.³⁶

B. Certification and Approval

A person must be either certified or approved before becoming a foster parent. A certified foster parent is a person who has met the standards set forth in New York State Office of Children and Family Services Regulations which qualify a person to care for foster children.³⁷ An approved relative foster parent is a person who is related to a child's parent or stepparent within the third degree and has met the approval standards set forth in Office of Children and Family Services Regulations.³⁸ An approved foster parent may become a certified foster parent in order to care for non-related children. A foster parent must be recertified or reapproved on an annual basis if the foster parent is to continue caring for the child. All foster homes are subject to ongoing supervision by the local social services district or the voluntary authorized agency with casework contact responsibility.³⁹

³² SSL § 371(19).

³³ SSL § 383(3) and (4)

³⁴ SSL § 400; 18 NYCRR 443.5

³⁵ FCA § 1089(b)(1)(i)

³⁶ FCA § 1089

³⁷ 18 NYCRR Part 443

³⁸ 18 NYCRR 443.1(f)

³⁹ 18 NYCRR 443.4

C. Kinship Foster Parents

The term “kinship foster parent” is often used to describe a person who is approved to care for a related child.⁴⁰ The child is placed in foster care. Kinship foster parents and the children they care for are entitled to the same services as other foster children and foster parents, and the home is subject to the same degree of supervision as other placements. The kinship foster parent has the same rights listed above for non-related foster parents. (See *Foster Parents* above Section IV(A)) For the purposes of adoption finalization, an adoption involving a kinship placement is handled in the same manner as other agency adoptions.

D. Direct Relative Placement

In an Article 10 proceeding, pursuant to FCA §§ 1017 or 1055, the court can direct the local commissioner of the local social services district to place the child with a fit and willing relative or other suitable adult who has indicated a desire to care for the child. The Direct Relative Placement Resource (sometimes referred to “N Docket Placement”, “Article 10 Placement”, or “1017 Placement”) will have the child in his or her care only for the duration of the family court proceeding. This placement resource also is entitled to notice of the court proceedings, the administrative case reviews, a copy of the permanency hearing report, as well the right to attend and be heard at the permanency hearing. Parents whose children have been placed in this type of placement are still subject to the possibility of a petition being filed seeking to terminate their parental rights.⁴¹ While many of the procedures outlined in this Guide are applicable to direct relative placement adoptions, the child is not entitled to an adoption subsidy, and there are no ongoing post-adoption services available to the family. In addition, the local social service agency will not pay the attorney’s fee to finalize the adoption.

E. Approved Adoptive Parent

When an agency determines that a child should be adopted by a certain person, that person must first be approved by the authorized agency as an adoptive parent in accordance with applicable regulations. An authorized agency may approve a foster parent caring for the child to be adopted or a person who has applied to the authorized agency as an adoptive parent after conducting an adoption home study and making a determination that adoption by that parent will be in the best interests of the child. There are specific regulatory standards relating to when a foster child becomes freed for adoption and is in the care of a foster parent.⁴²

After the parent is approved as an adoptive parent and the authorized agency has made the decision to place the child with such person for adoption, the prospective adoptive parent and a duly appointed agency representative must sign an Adoptive Placement Agreement (APA).⁴³ The APA is an OCFS form that is separate from the Agreement and Consent filed with the adoption petition.⁴⁴ The APA outlines the rights and responsibilities of the approved adoptive parent and the authorized agency that will consent to the adoption of the child. Execution of the APA does not prevent the removal of a child from a prospective adoptive home should the authorized agency deem such removal necessary to protect the welfare of the child. Also, for most purposes including child care, medical care and rehabilitative services, if needed, the foster parent still retains the status of foster parent until the adoption order is issued.

⁴⁰ 18 NYCRR 443.1(d)(f) and (i)

⁴¹ Matter of Dale P. 84 N.Y.2d 72, 614 N.Y.S.2d 967, 638 N.E.2d 506 (1994)

⁴² 18 NYCRR 421.19; 18 NYCRR 421.18(d)

⁴³ 18 NYCRR 421.18(k)

⁴⁴ See Part Four: Item Two.

F. Adoption Subsidy

An adoption maintenance subsidy⁴⁵ is a monthly payment made to adoptive parents who have adopted a handicapped or hard-to-place child as defined by statute and Office of Childres and Family Services Regulations.⁴⁶ An adoption subsidy is intended to be used for the care and maintenance of the child. Adoptive parents who will receive an adoption subsidy are often eligible to receive a onetime payment for their nonrecurring adoption expenses. These payments allow adoptive parents who are adopting special needs children to be reimbursed for their nonrecurring adoption expenses as defined by statute and regulations.⁴⁷ Reasonable and necessary attorney fees and court costs incurred directly in relation to the adoption of the child are reimbursable expenditures.⁴⁸

To receive an adoption subsidy and payment for nonrecurring adoption expenses, the adoptive parent must enter into an agreement with the local social services district prior to the issuance of an Order of Adoption. OCFS must approve the Adoption Subsidy Agreement before payments can commence, unless OCFS has delegated the approval authority to the local district.⁴⁹ The Agreement for nonrecurring adoption expenses is usually entered into at the same time as the Adoption Subsidy Agreement. Payment for nonrecurring adoption expenses can be made only after the child has been adopted. It is a one-time payment of up to \$2,000 per child.⁵⁰

Some courts require the authorized agency to submit a copy of the signed and approved Adoption Subsidy Agreement including the agreement for payment for nonrecurring adoption expenses to the court with the adoption petition and accompanying papers. Other courts ask that the subsidy amount be detailed in the paperwork, and others do not require this information. You should inquire about this procedure with the local jurisdiction.

In order for a child to be eligible for an adoption subsidy, a TPR petition must have been filed prior to the child's 18th birthday and a petition seeking judicial approval of a surrender must be approved prior to the child's 18th birthday.⁵¹ An adoption maintenance subsidy may be applied for prior to a child being freed for adoption.⁵²

G. Information Prospective Adoptive Parents Must Receive

An authorized agency placing a child for adoption must furnish the prospective adoptive parent with the medical histories of the child and the child's birth parent(s), to the extent they are available. All information identifying the birth parents must be eliminated from the medical histories. Medical history information includes mental health information.⁵³

The prospective adoptive parent(s) must also be furnished with information concerning the heritage, education, general physical appearance, occupation, health and medical history of the birth parent(s) at the time of the birth of the child and the birth parents' talents, hobbies, and special interests as contained in the adoption petition.⁵⁴

⁴⁵ See SSL Article 6, Title 9 - Subsidies for the Adoption of Children; 18 NYCRR 421.24.

⁴⁶ SSL § 451; 18 NYCRR 421.24(a).

⁴⁷ See SSL § 453-a; 18 NYCRR 421.24(d).

⁴⁸ Attorney fees incurred for services not directly related to the adoption, such as representation at an adoption subsidy fair hearing or in a divorce proceeding, are not deemed to be costs incurred in the adoption of a child.

⁴⁹ Pursuant 18 NYCRR 421.24(c), OCFS may authorize local social services districts to approve or disapprove subsidy requests on behalf of OCFS. As of this writing, however, no local social services districts have been authorized to do so.

⁵⁰ 18 NYCRR 421.24(d)(3)

⁵¹ SSL § 451(1)

⁵² SSL § 453(1)(a), SSL § 384-b(3)(g)

⁵³ SSL § 373-a; 18 NYCRR 357.3(b), 421.18(m)

⁵⁴ DRL § 114(1)




PART TWO:

Adoption Finalization

I. JURISDICTION

Family court and surrogate's court have concurrent jurisdiction over any adoption proceedings.⁵⁵

II. VENUE

If the adoptive parent resides in New York State, the adoption proceeding may be commenced in the county where the adoptive parent resides or in the county where the termination of parental rights or surrender of the child took place. If the adoptive parent resides outside New York State, the adoption proceeding must be commenced in the county where the authorized agency has its principal office.⁵⁶ However, DRL § 113(3)(a), provides a preference for the adoption to be filed in the same county and court as the underlying termination of parental rights or surrender proceedings.⁵⁷ The rationale is that the judge who heard the earlier case would be in the best position to know the facts and history of the child, thereby allowing the adoption to be finalized as expeditiously as possible.

As stated, this law is a preference, not an absolute. An adoption need not be filed in the county and court of the underlying case. However, if a petition for adoption is filed in a different county or court, an affirmation from the attorney must be submitted stating the reason for the filing in a different county or court.⁵⁸ In this instance, there is an automatic stay of the adoption proceeding for a period of not more than thirty (30) days, during which time period the assigned adoption judge must speak to the underlying case judge who will determine if the reason for the filing in a different county or court is acceptable and if the adoption can therefore proceed in the different county or court. The statute also permits parties and the attorney for the child the opportunity to present the court with additional relevant facts as well as legal arguments regarding venue.

III. WHO MAY ADOPT – MARITAL STATUS AND AGE

The following criteria for marital status and age apply to persons who may adopt in New York State pursuant to the DRL: an adult unmarried person; an adult husband and wife; an adult married person living separate and apart from his or her spouse pursuant to a separation decree, judgment, or agreement; an adult married person who has been living separate and apart from his or her spouse for at least three years prior to commencing an adoption proceeding. An adult or minor husband and his adult or minor wife together may adopt a child of either of them born in or out of wedlock; and an adult or minor husband or an adult or minor wife may adopt such a child of the other spouse.⁵⁹ Additionally, the Court of Appeals of the State of New York has also determined that two adults living together, but not married, may adopt the child together.⁶⁰ The Court of Appeals has held that the two adults living together can be of the same gender or of different genders.⁶¹

⁵⁵ FCA § 641

⁵⁶ DRL § 113(3)

⁵⁷ DRL § 113(3)

⁵⁸ Affirmation Regarding Venue is an official OCA form and can be found on their website: www.courts.state.ny.us/forms/familycourt/pdfs/adop1-e.pdf

⁵⁹ DRL § 110

⁶⁰ *In re Jacob*, Matter of Dana 86 N.Y.2d 651, 636 N.Y.S.2d 716, 660 N.E.2d 397 (1995)

⁶¹ *Id.*

For the purposes of adoption, an adult is a person eighteen years of age or older.⁶² Additionally, New York State does not set a maximum age limit to allow a person to adopt.⁶³ Foster parents, however, must be over the age of twenty-one.⁶⁴

There is no age limitation on the person to be adopted, but any individual over the age of fourteen must consent to the adoption.

IV. CONSENT

A. Legally Freed Child

A legally free child is a child (1) whose guardianship and custody have been transferred to an authorized agency and/or the local commissioner of the local social services district as a result of either a surrender instrument executed pursuant to SSL § 383-c or § 384 or an order of the Family or Surrogate's Court made pursuant to SSL § 384-b; or (2) whose care and custody have been transferred to an authorized agency and/or the local commissioner of social services pursuant to FCA § 1055 or SSL § 384-a and where such child's parents are both deceased, or where one parent is deceased and the other parent is not a person entitled to notice of the adoption pursuant to DRL § 111 or § 111-a.⁶⁵

B. Required Consents

A child can be adopted only after every person or agency whose consent to the adoption is required has given such consent.⁶⁶ Because in agency adoptions the parent's right to consent has been determined not to be required as the child is legally freed before the adoption proceeding finalizes, only the consent of the authorized agency having custody and guardianship of the child is required. The consent of the adoptive child is required if he or she is over the age of fourteen, unless the judge dispenses with such consent (the court may dispense with the consent of the child pursuant to DRL § 111(1)(a)). In any case where the consent of the child is required, contact should be made with the child's attorney before discussing the consent with the child. The child has an attorney for an upcoming permanency hearing scheduled in a family court and, like any other represented party, should not be contacted without prior consultation with the attorney.

If the child was conceived or born in wedlock, the consent of the mother and father or the surviving parent is required unless previously terminated pursuant to SSL § 384b or surrendered pursuant to 383-c or SSL § 384.⁶⁷ If the child was born out-of-wedlock, the consent of the mother is required, but the consent of the father is required in only two situations: First, if the child was placed with the adoptive parents more than six months after birth, the consent of the father is required only if such father has maintained substantial and continuous or repeated contact with the child as manifested by the acts set forth in statute.⁶⁸ Second, if the out of wedlock child is under the age of six months at the time he or she is placed for adoption, the consent of the father is required only if he promptly manifests a willingness to assume full custody of the child.⁶⁹

⁶² 18 NYCRR 421.16(b). See also DRL § 2 (def. of minor/infant)

⁶³ 18 NYCRR 421.16(b)

⁶⁴ 18 NYCRR 443.2(c)(1)(i)

⁶⁵ 18 NYCRR 421.1(i)(1)-(2). The transfer of the guardianship and custody of a child has the effect of severing or terminating parental rights to a child

⁶⁶ DRL § 111

⁶⁷ DRL § 111(1)(b)

⁶⁸ DRL § 111(1)(d)

⁶⁹ In *Raquel Marie X*, 76 N.Y.2d 387, 559 N.Y.S.2d 855, 559 N.E.2d 418 (1990). *cert. denied*, 111 S.Ct. 517, 498 U.S. 984, 112 L.Ed.2d 528 (1990). *on remand*, 173 AD.2d 709, 570 N.Y.S.2d 604 (1991), the New York State Court of Appeals struck down DRL Subsection 111(1)(e) as unconstitutional and instituted an interim standard to be applied in determining whether the consent of a father of a child born out-of wedlock who is under six months old at the time of placement is required in an adoption. The court held that the consent of such father is required in these cases if the father promptly manifested a willingness to assume full custody of the child. In *Robert O. v. Russell K*, 80 N.Y.2d 254, 590 N.Y.S.2d 37, 604 N.E. 2d 99 (1992), the New York State Court of Appeals held that the promptness of the unwed father's manifestation of his willingness to assume full custody is measured in terms of the infant's life, not from the onset of the father's awareness of the child's existence. Note: Section 111(e) of the DRL has not been amended since being held unconstitutional by *Matter of Raquel Marie X*.

C. When Consent Is Not Required

The consent of the parent is not required if that person has evinced an intent to forego his or her parental or custodial rights and obligations as manifested by his or her failure for a period of six months to support or visit the child and communicate with the child or person having legal custody of the child, although able to do so (commonly referred to as “abandonment”); has surrendered the child to an authorized agency; has had his or her parental rights terminated; is, by reason of mental illness or mental retardation, presently and for the foreseeable future unable to provide proper care for the child; or, has executed an irrevocable instrument denying paternity of the child.⁷⁰ In general, any non-parent, who previously had custody of a child now in foster care, is not a person who must consent to an adoption of a child and no legal proceedings need to be brought against these individuals to free the child for adoption.⁷¹

D. Notice to Fathers of Children Born Out-of-Wedlock

Certain fathers of children born out-of-wedlock whose consent to the adoption is not required must still be given notice of the adoption. These men are known as “putative fathers” or “notice fathers.” The sole purpose of serving a notice father with notice of the adoption is to enable that person to present evidence to the court relevant to the best interests of the child.⁷² Therefore, putative and notice fathers do not have “parental rights” that need to be terminated. The following persons must be served with notice of an adoption proceeding, subject to the exceptions listed in the next paragraph: (i) any person adjudicated by a court in this state to be the father of the child; (ii) any person adjudicated by a court of another state or territory of the United States to be the father of the child, when a certified copy of the court order has been filed with the putative father registry pursuant to SSL § 372-c; (iii) any person who has timely filed an unrevoked notice of intent to claim paternity of the child pursuant to SSL § 372-c; (iv) any person who is recorded on the child’s birth certificate as the child’s father; any person who is openly living with the child and the child’s mother at the time the proceeding is initiated and who is holding himself out to be the child’s father; (v) any person who has been identified as the child’s father by the mother in a written, sworn statement; (vi) any person who was married to the child’s mother within six months subsequent to the birth of the child and prior to the execution of a surrender instrument or the initiation of a proceeding pursuant to SSL § 384-b; or (vii) any person who has filed with the Putative Father Registry an instrument acknowledging paternity of the child, pursuant to Estates Powers and Trusts Law § 4-1.2 (inheritance by non-marital children).⁷³

Notice of the adoption is not required to be given to any notice father listed above who has previously been given notice of any proceeding involving the child, pursuant to SSL § 384-c,⁷⁴ has previously received notice of any proceeding pursuant to DRL § 115-b;⁷⁵ or, has been convicted of rape in the first degree involving forcible compulsion under Penal Law § 130.35(1) when the child who is the subject of the proceeding was conceived as a result of such rape.⁷⁶

When notice is required, DRL § 111-a(4) outlines the procedures. In general, notice shall be given at least twenty days prior to the proceeding by personal delivery of a copy of the petition and notice to the person. If personal service cannot be made upon the notice father at his last known address with reasonable effort, notice may be given by registered or certified mail at the notice father’s last known address, twenty days prior to the adoption

⁷⁰ DRL § 111(2)

⁷¹ But *See*, Matter of Daryl D. 6 AD3d 1196, (4th Dept. 2004); Matter of Matthew H - 274 AD2d 975, (4th Dept. 2000)

⁷² DRL § 111-a(3)

⁷³ DRL § 111-a(2)

⁷⁴ SSL § 384-c requires that notice be given to fathers of children born out-of-wedlock in proceedings concerning the approval of a voluntary placement instrument, surrender of a child not in foster care, and the termination of parental rights. If parental rights are terminated pursuant to SSL § 384-b and the court has determined that a male was entitled to notice and notice was given, SSL § 384-b(12) holds that “such determinations shall be conclusive in all subsequent proceedings relating to the custody, guardianship and adoption of the child.”

⁷⁵ DRL § 115-b sets forth provisions concerning consent in private-placement adoptions.

⁷⁶ DRL § 111-a(1)

finalization. In the case of a notice father who has filed a notice of intent to claim paternity pursuant to SSL § 372-c, service may be made by registered or certified mail to the address last entered by the notice father. A showing must be made to the court by affidavit or otherwise, attesting to the manner of service of notice. In no event shall notice be required by publication. The notice shall state the time, date, place and purpose of the proceeding.⁷⁷ In addition the notice shall state that the failure of the notice father to appear shall be deemed a denial of interest in the child and the child may be adopted without any other notification to the person receiving the notice.⁷⁸

The Putative Father Registry, is a registry maintained by many states that allows a man who is not married to a birth mother, and who believes that he may be the father of her child, to receive notification if the child is to be adopted. In New York State, the Putative Father Registry is administered by OCFS. Registration within thirty days of the child's birth should result in the notification of the registrant of the pending adoption. This allows him to attend the court proceeding and give information concerning the child's best interests. The information in the registry is kept confidential, except that it will be provided to an authorized agency, or the court. An application is sent to the registry by the social service district to request information on anyone claiming to be the father of a child born out of wedlock whose adoption is being sought. The adoptive parents' attorney should follow up with the local social services district to confirm that this inquiry was made, as well as inquire as to the results of the inquiry.⁷⁹

V. FILING OF THE ADOPTION PROCEEDING

A. Filing with the Court

An adoption proceeding is deemed filed upon receipt by the clerk of court of all the documents required by statute and court rules and an affidavit of readiness from the petitioner's attorney. The affidavit of readiness must attest that the petitioner has prepared a petition for the adoption of the child and has collected documentation as required by statute and court rules.⁸⁰ The documents that are required to be filed in an agency adoption are set forth in DRL § 112(2), (2-a), (3), (5), and (7); Uniform Rules for the family court; and Uniform Rules for the Surrogate's Court. Additionally, the majority of the required adoption documents can be found on the Office of Court Administration website.⁸¹ (See Appendix B.)

B. Calendaring of Agency Adoptions

Family court and surrogate court rules state: Adoption proceedings from an authorized agency shall be calendared as follows:

- a. Within 60 days of the filing of the petition and documents specified in section 112-a of the DRL, the court shall schedule a review of said petition and documents to take place to determine if there is adequate basis for approving the adoption.
- b. If such basis is found, the court shall schedule the appearance of the adoptive parent(s) and child before the court, for approval of the adoption, within thirty (30) days of the date of the review.
- c. If, upon the court's review, the court finds that there is not an adequate basis for approval of the adoption, the court shall direct such further hearings, submissions or appearances as may be required, and the proceeding shall be adjourned as required for such purposes.⁸²

⁷⁷ DRL § 111-a(6).

⁷⁸ *Id.*

⁷⁹ SSL § 372-c

⁸⁰ DRL § 112-a

⁸¹ <http://www.courts.state.ny.us/forms/familycourt/adoption.shtml>

⁸² DRL § 112-a; Uniform Rules for the family court §205.59; Uniform Rules for the Surrogate's Court §207.62.

C. Early Filing of Adoption Proceedings or “Chapter 588”

“Chapter 588” is the popular term used to refer to a law intended to expedite the adoption of foster children. Chapter 588 refers to Chapter 588 of the Laws of 1991 which amended the DRL and the SSL to allow for the early submission of an adoption petition prior to the conclusion of the TPR. The adoptive parents may also apply for the appropriate adoption subsidy while the termination proceeding is pending. A prospective adoptive parent may initiate an early filing adoption proceeding by submitting an adoption petition to the clerk of the court where a TPR proceeding is pending.⁸³ However, the judge hearing the TPR case must not be provided with the adoption petition, supporting documents, nor the fact of their filing until after the fact-finding portion of the TPR hearing has concluded.⁸⁴

⁸³ DRL § 112(8)

⁸⁴ Id.



**PART THREE:**

The Role of the Adoptive Parent's Attorney

I. THE ADOPTIVE PARENT'S ATTORNEY IS AN INFORMATION GATHERER

The foster/adoptive parent's attorney must obtain the official adoption form packet, and the official court list of forms needed to file for an adoption. These are available from the adoption clerk at the court where the adoption will be filed. Most of the adoption forms can be downloaded from the website of the New York State Unified Court System (see Footnote 82). The foster/adoptive (hereafter referred to as adoptive parent) parent's attorney should also inquire about any local rules or special requirements of the court or judge. For example, some judges require the agency caseworker to appear at finalization.

In New York City, the adoptive parent's attorney should also obtain forms and procedural information from Financial Services concerning the New York City Children's Services' direct payment system for payment of attorney's fees (as a non-recurring adoption expense) for representing foster/adoptive parents in an adoption (Refer to Appendix E). Be prepared to have your client sign these forms when they meet with you to sign the adoption petition and other documents related to the adoption filing.

Outside of New York City, the procedures for payment of attorneys' fees varies from county to county. Check with the agency with which the child is placed as to their procedures for payment. For any adoptions that do not finalize, payment for attorneys' fees will not be rendered from the local social services district. Any amounts due will need to be satisfied by the petitioning foster/adoptive parents. If an adoption disrupts, or does not finalize, the local social services district will not pay non-recurring adoption fees.

II. THE ADOPTIVE PARENT'S ATTORNEY INTERVIEWS AND INVESTIGATES TO OBTAIN CLIENT SPECIFIC INFORMATION

The adoptive parent's attorney should be proactive once the attorney client relationship is established. Frequently, this will commence with a phone call from the foster/adoptive parent to the attorney explaining that the caseworker from their agency has told them to obtain a lawyer for the adoption proceeding for their child.

An adoptive parent interview form helps to initiate the information gathering in an expedited manner. This is also the time to set up a face to face interview at a later date to fine tune the information gathering; sensitive issues (i.e. divorces, criminal history) are sometimes best discussed in person.

The attorney may wish to use this opportunity to inquire as to the child's name after the adoption. The adoptive parent and child may need time to think about this aspect of the adoption process.

It is important to obtain the proper spelling of the adoptive parent(s) names, their address and to obtain all contact phone numbers for them (home, office, cell). An email address may prove helpful as well.

It is also important to obtain the name and phone number of the caseworker.

As early as possible in the attorney client relationship the adoption attorney should:

- determine if the child is legally free for adoption and, if not, consider filing an expedited adoption petition, commonly referred to as a Chapter 588 adoption (See Part II, Section V, (C)), if deemed to be appropriate;
- inquire about the adoptive parent's marital history and if they have had any involvement with the criminal justice system. Arrange to obtain any certified copies of certificates of disposition and/or divorce judgments as needed to verify their history;
- have any foreign language documents (divorce judgments, birth certificates) translated in accordance with Civil Practice Laws and Rules (CPLR) § 2101; and
- make sure the foster/adoptive parent understands the terms of the retainer agreement and that they have a right to have your fees paid as a non-recurring adoption expense if adopting a special needs child.⁸⁵ Many attorneys will wait for payment through the local social services district. In the City of New York, the fee can be paid to the attorney directly through the NYCCS' direct payment system, thereby avoiding the need for the adoptive parent to advance any monies for legal fees. (See Appendix E.) All attorneys are reminded that he or she must file a Uniform Adoption Attorney Affidavit regarding his or her fees in accordance with OCA regulations.

III. THE ADOPTIVE PARENT'S ATTORNEY ESTABLISHES A LINE OF COMMUNICATION TO THE AGENCY CASEWORKER

Upon being retained, the attorney should call the caseworker to inform him/her that the attorney has been retained to represent the adoptive parent(s). The attorney should also mail and fax a copy of the agreement to the caseworker for the file that includes how the attorney will be paid. The attorney should learn from the caseworker what forms the agency prepares on their own and which forms, if any, the agency expects the adoptive parent's counsel to prepare and forward to the agency.

IV. THE ADOPTION ATTORNEY ESTABLISHES A LINE OF COMMUNICATION TO THE COURT WHERE THE ADOPTION WILL BE FILED

The adoptive parent's attorney should speak directly with the adoption clerk to ascertain any special filing requirements for that court. Any questions about the adoption should be posed to the clerk in a timely manner prior to filing. This will expedite the completion of the adoption as papers will be submitted properly the first time.

V. THE ADOPTIVE PARENT'S ATTORNEY IS RESPONSIBLE FOR THE SUBMISSION OF THE COMPLETED ADOPTION PACKET TO THE COURT

The attorney should prepare a complete and separate packet for each child being adopted. The attorney collects, prepares and acquires signatures on all of the necessary papers and submits them to the adoption clerk in the order preferred by the adoption clerk. In counties outside of the five boroughs of New York City, the local social services district may submit their own paperwork to the court. The attorney should be proactive in providing any special assistance to the adoptive parent(s), agency worker or caseworker, and adoption clerk, as may be necessary to create and complete an adoption packet acceptable to proceed to a finalization date (i.e. obtaining client's criminal records, marital history records).

⁸⁵ 18 NYCRR 421.24(c)

VI. THE ADOPTIVE PARENT'S ATTORNEY'S ROLE AFTER SUBMISSION OF AN ADOPTION PACKET

The practice of each court varies widely across the State. The attorney should contact the court to determine local practice regarding the filing of the adoption packet. Some counties may accept the packet without all necessary paperwork completed, but not give a docket number until all paperwork is submitted. Some counties may not accept the paperwork until all necessary forms are submitted and completed.

Once you are familiar with the court's practice where you are filing, the attorney should contact the court to obtain a docket number and the court's acknowledged date of the filing. This information may be provided in a letter by the court or you may need to obtain it yourself. You will also want to know which judge has been assigned, a tentative date for the adoption finalization, and if any additional documents must be submitted to the court. The docket number and filing date, once obtained, should be passed on to the adoption caseworker if the court does not separately notify the caseworker of this information. The best practice is to hand-deliver the adoption packet and to have your copy time stamped by the court representative to acknowledge receipt.

VII. THE FINALIZATION CEREMONY

Often the client's have anxiously waited for this day to arrive, so news that a finalization date has been set by the court should be delivered by telephone as soon as possible. Thereafter, a letter should be sent with the detailed information as to where and when the finalization will occur. The letter should be copied to the caseworker and the attorney for the child so that they will have the information needed if they choose or are required to attend the ceremony as well.

The court requires the appearance of the petitioning adoptive parent(s), as well as the adoptee. The court has discretion to dispense with the appearance of the child or of an adoptive parent who is on active duty in the armed forces of the United States.⁸⁶ Any family and friends the parents wish to share the day with are also welcome as are flowers, balloons and cameras.

The official forms require verification of the petitioner's signature by the Judge finalizing the adoption. Some judges may require the forms to be signed in the judge's presence, while others will verify the signatures without requiring additional signatures. You should be familiar with the finalizing judge's practice in order to prepare the forms and your clients appropriately.

VIII. AFTER THE ADOPTION

Make sure the caseworker and the family has copies of the Certificate of Adoption. This may be provided to you by the court on the day of the adoption or by mail shortly thereafter. The caseworker must have a copy of this to close her/his file. The caseworker's file must be closed in order for you to be paid and for the adoptive parent to receive their adoption subsidy. In addition, the attorney should provide a copy of the approved, signed subsidy agreement to the adoptive parents.

In New York City, forward the necessary forms to NYCCS Financial Services for your payment for services to the adoptive family.

The attorney should assist the adoptive parents in obtaining an amended birth certificate. If the child was born within the State, but outside of the five boroughs of New York City, the amended birth certificate must be obtained

⁸⁶ DRL § 112.1

from the New York State Department of Health. For children born within the five boroughs of New York City, the amended birth certificate must be obtained from the New York City Department of Health. The file should be calendared for a six month review to confirm that the attorney has received and forwarded the birth certificate to the adoptive parent. Upon receipt of the amended birth certificate, review the document for accuracy before forwarding to the adoptive parents.

Additionally, the parents may require guidance in obtaining Social Security numbers for the children. In an agency adoption, the Order of Adoption is sent to the agency and the attorney. Currently, many courts are permitting the attorneys to give the parents a copy of the Order of Adoption for the Social Security Administration. The Social Security Administration may require an original order. For children born in another state, a report of adoption is submitted to the New York State Department of Health which forwards it to the Department of Health of the state of birth that will then prepare the child's amended birth certificate.

In the years to come, clients may occasionally telephone for information about post adoption services. It is worthwhile to always maintain a list of phone numbers where they may easily be directed.


PART FOUR:

The Adoption Packet

Every family and surrogate's court in the State will have, available in the clerk's office, a packet of official forms as promulgated by OCA. All current forms are available online (<http://www.courts.state.ny.us/forms/familycourt/adoption.shtml>). All forms must be completed and submitted including, where required, signatures and verifications, before an adoption will be scheduled for finalization. DRL § 112(4) states that "none of the papers in the proceeding shall state the surname of the child in the title and no petition, agreement, consent, affidavit, nor any other document which is required to be signed by the adoptive parents shall contain the surname of the adoptive child." Any foreign documents submitted must be proven in accordance with CPLR § 4542. If such documents require English translation, the translation must be accompanied by the translator's notarized affidavit attesting to his/her qualifications and to the accuracy of the translation in accordance with CPLR § 2101(b). You may also need to submit self-addressed stamped envelopes to receive information from the court.

Although the forms are uniform throughout the State, there are significant local differences and there may be additional forms, or additional copies of a specific form, required by a jurisdiction or individual judge. For example:

- In New York City, an Affidavit of Denials is required of all adoptive parents.
- Some courts may require the designation of a "back-up" person – i.e., a person who agrees to care for the child in the event of the death or incapacity of the adoptive parent.
- Courts will have different time limits on documents such as the Adoption Home Study, Statewide Central Register of Child Abuse and Maltreatment Clearance, and the adoptive parent's and child's medical affidavits.
- Courts will require the report of Interstate Compact on the Placement of Children be submitted if the child is being placed outside of his or her state of placement.
- Some courts will require the adoption subsidy agreement to be presented to the court.
- Some courts will require a statement by the agency attesting they have provided the child's medical history form to the adoptive parent.
- In New York City, an original and two copies of a Proposed Order of Adoption are required.

Additionally, the responsibility for preparation and submission of each form and other documents between the attorney for the adoptive parent and the authorized agency varies depending on local practice. Following is a list of the forms and other documentation required in a public agency adoption along with information concerning their preparation and submission.

1. Petition for Adoption [Official Form 1-A] DRL §§ 111-a(1); 112(2)-(7)

DRL §§ 111-a(1); 112(2)-(7) sets forth the required contents of the Petition for Adoption. If the adoptee is over age 18, he or she must also sign the petition.

2. Agreement and Consent [Official Form 2-A] DRL §§ 111(1)(f);112(2)(b) and 113

DRL § 112 (2)(b) requires the submission of an agreement on the part of the adoptive parents to adopt and treat the child as his or her own lawful child. DRL § 112 (2)(c) requires the submission of the consents as set forth in DRL § 111. DRL § 111(1)(f) requires that the consent of the authorized agency having custody of the child be obtained before a child can be adopted.

3. Consent of Child [Official Form 2-C] DRL § 111(1)(a)

Unless the court dispenses with such consent, an adoptive child over age 14 must submit a separate consent pursuant to DRL § 111(1)(a), in addition to the requirement that the child sign the agreement of adoption if over age 18.

4. Affidavit Identifying Party [Official Form 8-A] 22 NYCRR 205.53(b)(2)

DRL § 112(1) requires that the adoptive parent and child appear for examination before a judge or surrogate. This form is an affidavit submitted by the attorney for the adoptive parent(s) attesting to the identity of the adoptive parent(s). The judge or surrogate may dispense with the personal appearance of the adoptive child or of an adoptive parent who is on active duty in the armed forces of the United States.

5. Affidavit of Financial Disclosure [Official Form 9-A] SSL § 374(6); 22 NYCRR 205.53(b)(8)

SSL § 374(6) sets forth restrictions on the payment or exchange of fees or compensation in an adoption and the prohibition of dual legal representation of the adoptive and birth parents and also prohibits the dual representation of the agency and the adoptive parents(s). This affidavit details any money expended, to be expended, received or to be received by the adoptive parent(s). If there is no such money, state “none”.

6. Adoptive Parent(s) Affidavit of Marital Status [No Official Form] DRL § 110; 22 NYCRR 205.53(4)

DRL § 110 sets forth who may adopt a child. The adoptive parent must attest to his or her marital history by listing current and prior marriages and the manner in which any prior marriages were terminated. Relevant documents must be attached, including: a certified marriage certificate; a certified copy of any decree or judgment of divorce; and, when the marriage was terminated by death, a certified death certificate of the spouse.

7. Order of Investigation [Official Form 6] DRL §§ 112(7), 113

DRL § 112(7) requires the submission of a report of an investigation into the circumstances of the adoption. The Order of Investigation designates a specific party to complete the investigation and submit a report. This report is commonly referred to as an Adoption Home Study. The authorized agency having custody of the child usually completes the Adoption Home Study before the adoption is filed. Therefore, the Order of Investigation may designate the agency nunc pro tunc to investigate and report the circumstances of the adoption and direct that the agency Adoption Home Study be accepted in satisfaction of the requirements of DRL § 112(7).

8. Order of Adoption [Official Form 13-A] DRL §§ 111, 112(b), 113, 114

DRL § 114 sets forth the requirements and effect of an Order of Adoption. DRL § 114 also requires that the Order of Adoption and all the papers filed in the proceeding be kept under seal by the court.⁸⁷ A certified copy of the Order of Adoption may not be issued unless authorized by court order, except that certified copies may be issued to the agency or agencies in the proceeding prior to the sealing of the papers. A request for a certified order should be made prior to the sealing of the adoption [Official Forms 15-A and 15-B].

⁸⁷ This confidentiality requirement also applies to authorized agencies. *See Alma Society Inc. v. Mellon*, 601 F2d 1225 (2d Cir 1979) (upholding the constitutionality of New York statutes requiring the sealing of adoption records as it applies to courts and authorized agencies), *cert denied*, 444 U.S. 995, 100 S.Ct. 531, 62 LEd.2d 426 (1979).

After the sealing of the record, a motion must be made to access the record upon notice to the adoptive parent(s) and will only be granted upon good cause shown [Official Forms 16-A and 16-B].

9. Order of Incorporation of Post-Adoption Contact Agreement [Official Form 14-A] DRL § 112-b

DRL § 112-b requires that any post-adoption contact/communication agreements, approved by the judge accepting the surrender instrument containing the post-adoption contact/communication agreement, must be incorporated into the Order of Adoption and the terms. This order incorporating post-adoption contact/communication must be provided to all parties. A post-adoption contact/communication agreement that is not incorporated into the Order of Adoption is not enforceable.

10. Certificate of Adoption [Official Form 14] DRL § 114

DRL § 114(1) requires the clerk of court to issue a Certificate of Adoption upon request of any party entitled thereto. The Certificate of Adoption has the same force and effect as a certified copy of an Order of Adoption.⁸⁸ The Certificate of Adoption must be completed using the new name of the child. A court may prefer to issue their own Certificate of Adoption.

11. Supplemental Affidavit [Official Form 10-A] 22 NYCRR 205.53(c)

Uniform Rules for the family court 22 NYCRR § 205.53(c) and Uniform Rules for Surrogate's Court 22 NYCRR § 207.55(c) provide that prior to the signing of an Order of Adoption, the court may, in its discretion, require the filing of a supplemental affidavit by the adoptive parent or parents, any person whose consent to the adoption is required, the authorized agency, and the attorney for any of the aforementioned, setting forth any additional information pertaining to allegations in the petition or in any affidavit filed in the proceeding. This affidavit is intended to include any changes in circumstances since filing of the petition (e.g. criminal arrest of any household member, Statewide Central Register of Child Abuse and Maltreatment (SCR) reports, change in address, change in household composition).

12. Uniform Adoption – Attorney's Affidavit [Official Form 836] 22 NYCRR 606.23 and 691.23

This form must be submitted to the OCA after the adoption proceeding has been assigned a docket number. A copy of the Attorney's Affidavit and the receipt (usually a post-card) from OCA should be filed with the court. Some courts may allow the adoption to be scheduled for finalization absent the post-card, as long as it is submitted prior to the finalization.

13. Affidavits of Denials [No Official Form] New York City Only

In this form, the petitioning adoptive parent(s) state that they have no history as the subject of a report to the SCR alleging abuse or maltreatment of any child and that they are not the subject of any pending report under investigation. Further, the petitioning adoptive parent(s) must deny having any criminal history including any pending matters. The last part of the Affidavit of Denial asks the petitioning adoptive parent(s) to deny any past history or current drug or alcohol abuse.

14. Affirmation Regarding Venue (and Proposed Order) [Official Forms 1-E and 1-F] DRL § 113(3)(b)

If the application for adoption is being filed in a court other than the court that freed the child for adoption or that has continuing jurisdiction over the child, an affirmation must be submitted attesting to the reasons for not filing in the court with continuing jurisdiction. See Part Two Section II within. If the court with continuing jurisdiction finds that there is good cause for the adoption proceeding to not be heard in that court, then a judge of that court

⁸⁸ See Part III Section VIII within regarding limitation on the rule from the Social Security Administration

will sign the proposed order allowing the adoption to proceed in the jurisdiction where filed. A proposed order should be submitted with any application for adoption seeking to proceed outside of the preferred venue.

15. Certified Copy of Child's Birth Certificate⁸⁹

16. Verified Schedule [Official Form 1-B] DRL §§ 111-a, 112(3), 112-b; SSL §§ 383-c, 384

DRL § 112(3) requires that the authorized agency placing the child for adoption submit a schedule verified by a duly authorized official of the authorized agency. The Verified Schedule presents the court with general information concerning the child and the child's placement with the agency.

17. Copy of the Adoption Subsidy Agreement, See Part One Section IV-F within

18. Copy of Child's Medical History [Official Form 1-D] DRL §§ 112(3)(5); SSL § 373-a

DRL § 112(3)(5) requires the authorized agency to submit to the court all available information comprising the child's medical history. This form provides the court with general information concerning the health of the child, such as illnesses and immunizations, and the health of the birth parents of the child. The information presented must be the most up to date medical information available and must have been obtained within the last year.

**19. Affidavit Acknowledging Receipt of the Child's Medical History Form
[No Official Form] SSL § 373-a**

SSL § 373-a and 18 NYCRR 421.18(m) requires, *inter alia*, that the authorized agency placing a child for adoption furnish the prospective adoptive parent(s) with the medical histories, including psychological information, concerning the child and the child's birth parent(s). DRL § 114(1) requires that the Order of Adoption direct that the medical history of the child and the health and medical history of the birth parents at the time of the birth of the child as contained in the adoption petition be furnished to the adoptive parents. The New York City family court requires the submission of an affidavit attesting to the fact that the agency has furnished the petitioners with this information.

20. Attach Copy of Interstate Compact Approval if Applicable [No Official Form] SSL § 374-a

SSL § 374-a contains New York State's codification of the Interstate Compact on the Placement of Children. The Compact is an agreement that sets forth the requirements and conditions that must be adhered to in the interstate placement of children for adoption and foster care. If the child was brought into New York State or placed outside of New York State for the purposes of adoption, the authorized agency must submit a copy of the approval of the interstate placement issued by the receiving state.

21. Agency Home Study [No Official Form]⁹⁰ DRL § 112(7)

DRL § 112 (7) requires that a judge presiding over an adoption proceeding order an investigation of the prospective adoptive parents, the child, and any other persons residing in the home. A written report of the investigation must be submitted to the court. The report of the investigation is commonly referred to as the Adoption Home Study. The Adoption Home Study is usually completed by the authorized agency having custody of the child before the adoption proceeding is commenced and is submitted to court at the same time as the petition and accompanying documents.

⁸⁹ Due to the fact that a certified copy of the child's birth certificate is a required element of proof at the termination of parental rights hearing, the agency, at that time, should be requesting multiple copies of the birth certificate for use at the adoption.

⁹⁰ Authorized agencies caring for children have been urged to use a model Adoption Investigation and Report called the Comprehensive Adoption Report (CAR). The report was designed to serve as a statewide model for the content and level of detailed information an agency should submit to the court as part of the Adoption Packet. The CAR offers a format and logical flow that should result in a thorough, relevant and up-to-date report. It provides a judge or surrogate with the information he or she needs in order to make an informed decision whether to grant an Order of Adoption. The CAR is not intended to be an additional report an agency prepares as part of the adoption packet. Instead, it is being recommended as an alternative report that provides an organized and comprehensive approach to presenting the required information to the court.

22. Proof that Child is Eligible for Adoption DRL § 111/111a

DRL § 111 sets forth those parties whose consent is required before a child can be adopted. In an agency adoption, the authorized agency is required to submit documents showing that the consent of the child's birth parents is either terminated, surrendered or not required.⁹¹ (See Part Two Section IV-B within.) The affidavit is also used to identify any putative father or other person who must be served with notice of the proposed adoption.

23. Affidavit Regarding Status of Appeal [Official Form 10C] DRL § 112

The attorney for the authorized agency who represented the agency in freeing the child for adoption must complete this form. This form requires the attorney to attest to the procedure used to terminate parental rights, who was served with notice of the order terminating parental rights and whether there are any appeals pending.

24. Statewide Central Register Check (OCFS Official Form 3370) DRL § 112(7)

Pursuant to DRL § 112(7), before an adoption is finalized, the judge presiding over the adoption must inquire whether an inquiry has been made from the SCR as to whether the prospective adoptive parent(s) is the subject of an indicated report made to the SCR. There must also be SCR clearances for persons who are over the age of 18 who also reside in the adoptive home. This inquiry to the SCR is not required if the findings of an inquiry made within the past twelve months is available to the court.

An indicated SCR report does not automatically preclude a person from becoming an adoptive parent. An authorized agency may approve a person who is the subject of an indicated report as an adoptive parent, but the agency must record the grounds on which the approval was granted.⁹² A court may also approve an adoption in a case where the adoptive parent is the subject of an indicated report. The court may request that the adoptive parent and the agency submit affidavits concerning the circumstances of the indicated report or other relevant issues. The agency usually has secured the necessary SCR database checks.

A prospective adoptive parent(s) residing out of state, to be certified, must submit an equivalent child abuse database check from the adoptive parent's state of residence as well.⁹³ Furthermore, for certification purposes, an equivalent child abuse database check must be obtained from all states where the prospective adoptive parent or any other member of his or her household eighteen (18) years of age or older resided within the previous five years. Although the certification process is completed before an adoption petition is filed, some judges may require current copies of these database checks.

25. Criminal Clearance

A criminal history record check with the New York State Division of Criminal Justice Services and the Federal Bureau of Investigation must be conducted pursuant to SSL § 378-a(2) for any prospective adoptive parent(s) and each person over the age of eighteen (18) who is currently residing in the home of the prospective adoptive parent(s). If the person applied for approval as an adoptive parent to a voluntary authorized agency, a signed consent to disclose crime-specific information to the voluntary authorized agency must also have been obtained for each household member age eighteen and older.

When a criminal history is documented for any household member age eighteen (18) and older, all follow-up documentation detailing the approval of the home (i.e. safety assessments, explanation of the conviction, dispositional papers, reason for approval) must be provided. In addition to mandating a national criminal history check for prospective certified or approved foster and adoptive parents, the federal Adam Walsh Child Protection and Safety Act of 2006 (P.L. 109-248) eliminates the ability of states to opt out of the federal criminal history record check requirements of Title IV-E, for all foster and adoptive parents certified or approved as of October 1, 2008.

⁹¹ DRL § 111(1)(b)(c)(d)(e) and DRL § 111(2)

⁹² 18 NYCRR 421.16(o).

⁹³ Adam Walsh Child Protection and Safety Act of 2006 (P.L. 109-248)

The elimination of the “opt out” provision means that certain categories of felony convictions (previously categorized as “presumptive disqualifiers”) will now mandate the disqualification of prospective foster and adoptive parents from being certified or approved. New York State amended section 378-a(2) of the SSL by Chapter 623 of the Laws of 2008 to adopt the federal standards (see 07 OCFS-ADM-01).

26. Putative Father Registry Form SSL § 372-c

SSL § 372-c establishes the Putative Father Registry. A putative father of a child born out-of-wedlock may submit his name and address to the Registry. The authorized agency must submit the inquiry to the Registry to determine if any putative father is recorded. The authorized agency must submit the results of the inquiry to the court. If listed in the Putative Father Registry, the putative father is entitled to notice of the adoption.⁹⁴ The inquiry is required in all cases where the child is born out-of-wedlock and where the legal father of a child born in wedlock denies paternity.

27. New York City Notification of Order of Adoption [Public Health Law § 4138]

This form is required to obtain an amended birth certificate from the New York City Department of Health for any child who was born within the five boroughs of New York City.

28. Albany Report of Adoption [Public Health Law § 4138]

This form is required in order to obtain an amended birth certification indicating the adoptive parent(s) and the child's parents from the New York State Department of Health for children born outside of New York City, within New York State and also for children born in another state. If a child is born in another state, the New York State Department of Health will forward the Report of Adoption to the child's state of birth.

29. Affidavit of Readiness [No Official Form] DRL § 112-a.

The Affidavit of Readiness shall attest that the petitioner has prepared a petition for the adoption of the child and has collected documentation required by rules and statutes.

30. Medical Report of Adoptive Parents [OCFS Form LDSS 0571]

Adoptive parents are required to provide a report of physical examination indicating their health status. The date of the examination must have occurred within the twelve months preceding the finalization of the adoption. The report must be from a physician, physician's assistant, nurse practitioner or other licensed and qualified health care practitioner.

31. Adoption Information Registry Birth Parent Registration Form [DOH-4455]⁹⁵

At the time of signing a surrender agreement, or at any other time, if a birth parent signs an Adoption Information Registry Birth Parent Registration Form, it must be submitted to the court with the adoption petition and accompanying papers. This form is used to register a birth parent's consent to the adoption registry releasing the birth parent's name and address to their biological child after an adoption. The child must be at least eighteen (18) years of age to obtain the information. The form may also be used after the registration to change the decision made at the time of the registration.

⁹⁴ DRL § 111-a(2)(c).

⁹⁵ 08 OCFS-INF-12



Appendices

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APPENDIX A:

Outline of Relevant Statutory and Regulatory Provisions

PART ONE: AGENCY ADOPTION**I. ADOPTION IN NEW YORK STATE****A. Adoption Defined**

- DRL § 110
- DRL § 117
- SSL § 383-c(2)
- SSL § 383-c(5)(b)(ii)
- SSL § 384(2)

B. Two Types of Adoptions

- DRL § 109(5)
- Indian Child Welfare Act 25 USC 1901 et seq.
- 18 NYCRR 431.18

C. The Adoption Proceeding

- DRL § 111(1)(1)

II. CHILD WELFARE SERVICES IN NEW YORK STATE**III. FOSTER CHILDREN****A. Legal Responsibility for Foster Children**

- SSL § 371(10)(a)
- SSL § 371(10)(b)
- SSL § 371(19)
- 18 NYCRR 4412(b)
- 18 NYCRR 4412(c)
- 18 NYCRR 4412(d)

B. Placement of Children in Foster Care

- FCA § 1089
- FCA § 1012
- FCA § 1055(a)
- FCA § 1055(b)(i)(C)
- FCA § 1089(a)(3)
- SSL § 384-a
- SSL § 358-a

C. Termination of Parental Rights

- FCA §1089(a)
- SSL § 383(c)(2)
- SSL § 383(c)(5)(b)(ii)
- SSL § 384(b)(v)(4)(a)
- SSL § 384(c)
- SSL § 384-b(4)(b)
- SSL § 384-b(4)(c)
- SSL § 384-b(4)(d)
- SSL § 384-b(7)(a)
- SSL § 384-b (8)(a)
- SSL § 384-b (8)(b)
- SSL § 384-b(8)(f)
- SSL § 384-b(9)
- 18 NYCRR 430.12(d)(2)
- 08 OCFS-INF-12

IV. FOSTER PARENTS

A. Status of Foster Parents

- FCA § 1089(b)(1)(i)
- SSL § 371(19)
- SSL § 383(3)
- SSL § 383(4)
- SSL § 400
- 18 NYCRR 443.5

B. Certification and Approval

- FCA § 1089
- 18 NYCRR Part 443
- 18 NYCRR 443.1(f)
- 18 NYCRR 443.4

C. Kinship Foster Parents

- 18 NYCRR 443.1(d)
- 18 NYCRR 443.1(f)
- 18 NYCRR 443.1(i)

E. Approved Adoptive Parent

- 18 NYCRR 421.18(d)
- 18 NYCRR 421.18(k)
- 18 NYCRR 421.19

F. Adoption Subsidy

- SSL Article 6, Title 9 - Subsidies for the Adoption of Children
- SSL § 384-b(3)(g)
- SSL § 451
- SSL § 451(1)
- SSL § 453(1)(a)
- SSL § 453-a
- 18 NYCRR 421.24.
- 18 NYCRR 421.24(a).
- 18 NYCRR 421.24(d).
- 18 NYCRR 421.24(d)(3)

G. Information Prospective Adoptive Parents Must Receive

- DRL § 114(1)
- SSL § 373-a
- 18 NYCRR 357.3(b)
- 18 NYCRR 421.18(m)

PART TWO: ADOPTION FINALIZATION**I. JURISDICTION**

- FCA § 641

II. VENUE

- DRL § 113(3)

III. WHO MAY ADOPT – MARITAL STATUS AND AGE

- DRL § 2
- DRL § 110
- 18 NYCRR 421.16(b)
- 18 NYCRR 443.2(c)(1)(i)

IV. CONSENT**A. Legally Freed Child**

- 18 NYCRR 421.1(i)(1)-(2)

B. Required Consents

- DRL § 111
- DRL § 111(1)(b)
- DRL § 111(1)(d)
- DRL § 111(2)

C. When Consent is Not Required

- DRL § 111(2)

D. Notice to Fathers of Children Born Out-of-Wedlock

- DRL § 111-a(1)
- DRL § 111-a(2)
- DRL § 111-a(3)
- DRL § 111-a(6)
- DRL § 115-b
- SSL § 372-c
- SSL § 384-b(12)
- SSL § 384-c

V. FILING OF THE ADOPTION PROCEEDING

A. Filing with the Court

- DRL § 112-a

B. Calendaring of Agency Adoptions

- DRL § 112-a
- Uniform Rules for the Family Court §205.59
- Uniform Rules for the Surrogate's Court §207.62

C. Early Filing of Adoption Proceeding or "Chapter 588"

- DRL § 112(8)

PART THREE: THE ROLE OF THE ADOPTIVE PARENT'S ATTORNEY

II. THE ADOPTIVE PARENT'S ATTORNEY INTERVIEWS AND INVESTIGATES TO OBTAIN CLIENT SPECIFIC INFORMATION

- 18 NYCRR 421.24(c)

VII. THE FINALIZATION CEREMONY

- DRL § 112.1

PART FOUR: THE ADOPTION PACKET

8. Proposed Order of Adoption [Official Form 13-A]

- DRL § 111
- DRL § 112(b)
- DRL § 113
- DRL § 114

10. Certificate of Adoption [Official Form 14]

- DRL § 114

21. Agency Home Study [No Official Form]

- DRL § 112(7)

22. Proof that Child is Eligible for Adoption

- DRL § 111
- DRL § 111(1)
- DRL § 111(1)(b)
- DRL § 111(1)(c)
- DRL § 111(1)(d)
- DRL § 111(1)(e)
- DRL § 111(2)

24. Statewide Central Register Database Check Form [OCFS Official Form 3370]

- DRL § 112(7)
- 18 NYCRR 421.16(o)
- Adam Walsh Child Protection and Safety Act of 2006 (P.L. 109-248)

26. Putative Father Registry Form

- SSL § 372-c
- DRL § 111-a(2)(c)

31. Adoption Information Registry Birth Parent Registration Form [DOH-4455]

- 08 OCFS-INF-12

APPENDICES**OFFICIAL FORMS FOR PUBLIC AGENCY ADOPTIONS**

- 22 NYCRR Subtitle D, Chapters IV and V



APPENDIX B:

Checklist of Forms, Affidavits, Reports and Documents Required for Agency-Sponsored Adoption of a Child in Foster Care

AGENCY FORMS AND AFFIDAVITS

- Verified Schedule
- Agreement of Adoption and Consent
- Affidavit Pursuant to D.R.L. 111-a
- Affidavit Regarding Criminal Record Review (New York City only)
- Affidavit Regarding Status of Appeal

AGENCY REPORTS AND DOCUMENTS

- Comprehensive Adoption Report (Home study)
- Child's Certificate of Birth
- Child's current medical report
- Child's Medical History (Form 1-D)
- Child's Family Heritage
- Putative Father Registry Report
- Abuse clearance of adoptive parents and household adults over 18
- Criminal record review of adoptive parents and household adults over 18
- Adoption Subsidy Agreement*
- Certified and recorded TPR order*

OR

- Judicial/Extra-Judicial Surrender*

OR

- Certificate of death of birth parent*
- Interstate Compact Approval*
- Safety Assessment*
- Adoption Information Registry Birth Parent Registration Form

* If required

ADOPTIVE PARENTS' FORMS AND AFFIDAVITS

- Petition for Adoption
- Affidavit of Denials (New York City Only)
- Affidavit Explaining Criminal Record*
- Supplemental Affidavit
- Affidavit of Financial Disclosure
- Affidavit of Marital Status
- Affidavit Acknowledging Receipt of Child's Medical History
- Designation and Affidavit of Backup*
- Consent of Child over 14

ADOPTIVE PARENTS' DOCUMENTS AND REPORTS

- Adoptive Parents' Medical Report
- Certificate of Marriage*
- Divorce Judgment Dissolving Prior Marriage*
- Separation Agreement*
- Certificate of Death of Prior Spouse*

ATTORNEY AFFIDAVITS

- Affidavit Identifying Party
- Affidavit of Readiness
- Uniform Adoption-Attorney's Affidavit
- Affirmation Regarding Venue*
- Affidavit for Certified Copy of Order of Adoption (before sealing)*
- Affidavit for Certified Copy of Order of Adoption (after sealing)*

COURT FORMS

- Notice of Proposed Adoption*
- Order to Show Cause*
- Order Removing Child from Adoptive Home*

* If required

- Order for Certified Copy of Adoption Order*
- Order of Investigation
- Order of Adoption
- Certificate of Adoption
- Determination of Family Court Judge Regarding Venue*
- Order Regarding Venue*
- Order of Incorporation of Post-Adoption Contact Agreement*

DEPARTMENT OF HEALTH

- Notification of Order of Adoption (New York City)
- Report of Adoption (New York State)

* If required



APPENDIX C:**Official Forms for Public Agency Adoptions⁹⁶**

- 836** Uniform Adoption - Attorney's Affidavit (Agency & Private Placement)
- 1-A** Petition For Adoption (Agency)
- 1-B** Verified Schedule (Agency)
- 1-D** Child's Medical History
- 1-E** Affirmation Regarding Venue
- 1-F** Determination of Family Court Judge Regarding Venue
- 1-G** Order Regarding Venue
- 2-A** Agreement of Adoption & Consent (Agency)
- 2-C** Consent of Child Over 14 (Agency)
- 4** Notice of Proposed Adoption
- 5** Order of Publication
- 6** Order of Investigation
- 8-A** Affidavit Identifying Party (Agency)
- 9-A** Affidavit of Financial Disclosure - Parents (Agency)
- 10-A** Supplemental Affidavit (Agency)
- 10-C** Affidavit Of No Appeal [*aka Affidavit Regarding Status of Appeal*]
- 11** Order to Show Cause (Removal of child from Adoptive Home)
- 12** Order Removing Child From Adoptive Home
- 13-A** Order Of Adoption (Agency)
- 14** Certificate Of Adoption
- 14-A** Order Of Incorporation Of Post-adoption Contact Agreement
- 15-A** Application for Certified Copy of Adoption Order (Before sealing of records)
- 15-B** Application for Certified Copy of Adoption Order (Before sealing of records)
- 16-A** Application for Certified Copy of Adoption Order (After sealing of records)
- 16-B** Order For Certified Copy of Adoption Order (After sealing of records)
- 17** Petition For Enforcement Of Post-adoption Contact Agreement (After Adoption Finalization)
- 18** Order Determining Petition For Enforcement Of Post-adoption Contact Agreement (After Adoption Finalization)

⁹⁶ 22 NYCRR Subtitle D, Chapters IV and VII.



APPENDIX D:**Sample Completed Adoption Forms****SELECTED SAMPLE FORMS**

Form 1-A	Adoption Petition.	45
Form 1-D	Child’s Medical History	50
Form 1-E	Affirmation Regarding Venue	54
Form 1-G	Order Regarding Venue.	56
Form 2-A	Agreement of Adoption and Consent	58
Form 2-C	Consent of Child.	61
Form 4	Notice of Proposed Adoption.	63
Form 6	Order for Investigation.	64
Form 8-A	Adoption – Affidavit Identifying Party	66
Form 9-A	Affidavit of Financial Disclosure – Parents	67
Form 10-A	Supplemental Affidavit	69
Form 13-A	Order of Adoption	70
Form 14	Certificate of Adoption	74
	Unified Court System Attorney’s Affidavit	75
	Adoption Information Registry Birth Parent Registration Form	77



Form 1-A: Adoption Petition page 1 of 5

D.R.L. §§ 111-a(1), 112

**Form 1-A
(Adoption
Petition-Agency)
(9/2006)**FAMILY COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORKIn the Matter of the Adoption of
A Child Whose First Name is

(Docket)(File) No.

JAMESPETITION FOR
ADOPTION
(Agency)

The Petitioners respectfully allege to this Court that:

1. Petitioning adoptive parent:

Marva Johnson

a. resides :

**815 Second Avenue
New York, New York 10022
New York County**b. is of full age, having been born on :
is unmarried**December 15, 1959;**x married to: **Jerome Johnson** and living together; married to: _____ and living separate and apart pursuant to a
decree or judgment of separation or pursuant to a separation agreement subscribed by the parties
thereto and acknowledged or proved in the form required to entitle a deed to be recorded; married to : _____ and living separate and apart for at
least three years prior to commencement of the proceeding;

d. is of the following religious faith, if any :

Baptiste. is engaged in the following occupation : **Babysitter** and
earns \$ **26,000** in approximate annual income : of which \$ **13,074** is support and
maintenance to be received from the Commissioner of Social Services on behalf of the adoptive child.

2. Petitioning adoptive parent :

Jerome Johnson

a. resides at:

**815 Second Avenue
New York, New York 10022
New York County**

b. is of full age, having been born on:

October 2, 1956;c. is unmarriedx married to: **Marva Johnson** and living together; married to [specify name]: _____ and living separate and apart
pursuant to a decree or judgment of separation or pursuant to a separation agreement subscribed by the

Form 1-A: Adoption Petition page 2 of 5

parties thereto and acknowledged or proved in the form required to entitle a deed to be recorded;

married to [specify name]: and living separate and apart for at least three years prior to commencement of the proceeding);

d. is of the following religious faith : **Baptist**

e. is engaged in the following occupation [specify]: **Teacher**
and earns \$ **49,000** in approximate annual income: of which \$ **0** is support and maintenance to be received from the Commissioner of Social Services on behalf of a the adoptive child;

3. Upon information and belief, the adoptive child, whose first name is **James** was born on **January 11, 1991 at Queens Memorial Hospital, Jamaica, New York** and the religious faith of such child is **Baptist**

4. Upon information and belief, there will be annexed to this petition a schedule verified by a duly constituted official of Family Service, an authorized agency, as required by section 112(3) of the Domestic Relations Law, concerning the adoptive child who is the subject of this proceeding.

5. The following is information, as nearly as can be ascertained, concerning the birth or legal parents of the adoptive child:

(a) Age and date of birth

Mother: Patricia Taylor, April 20, 1962
Father: Marvin Harris, October 4, 1960

(b) Heritage (specify nationality, ethnic background, race)

Mother: Patricia Taylor: African-American:
Father: Marvin Harris: African-American

(c) Religious faith, if any Mother:

Mother Patricia Taylor: Baptist
Father: Marvin Harris: Unknown

(d) Education [specify number of years of school or degrees completed at time of birth of adoptive child]:

:Mother: Patricia Taylor: High school
Father: Marvin Harris: Unknown

General physical appearance at time of child's birth [height, weight, color of hair, eyes, skin]:

Mother, Patricia Taylor
Ht: 5' 9" Wt: 200 lbs
Hair Color: Brown Eye Color: Brown
Skin Color: Light

Father: Marvin Harris
Ht: Unknown Wt: Unknown
Hair Color: Brown Eye Color: Brown
Skin Color: Dark

(f) Annexed is Form 1-D which provides health and medical history of the at time of

Form 1-A: Adoption Petition page 3 of 5

birth of the adoptive child, including conditions or diseases believed to be hereditary and any drugs or medication taken during pregnancy by child's mother.

(g) Specify any other information which may be a factor influencing the adoptive child's present or future well-being, including talents, hobbies and special interests of parents: [attach separate sheet if necessary]

6. The subject child is is not a Native-American child, who is subject to the Indian Child Welfare Act of 1978 (25 U.S.C. §§ 1901-1963). If so, the following have been notified [check applicable box(es)]:

- parent/custodian [specify name and give notification date]:
 tribe/nation [specify name and give notification date]:
 United States Secretary of the Interior [give notification date]:

7. The manner in which the adoptive parent obtained the adoptive child is as follows: **On or about August 2, 2001 the adoptive child was placed in the care of petitioners by Family Services, the authorized agency sponsoring this proceeding**

[Delete if inapplicable]: 8. The placement is subject to the provisions of section(s) 374-a 382 of the Social Services Law and the provisions of such sections have been complied with. The original approval signed by the Administrator of the Interstate Compact on the placement of Children is attached hereto.

9. The adoptive child resided with the adoptive parent(s) from [specify date] **August 2, 2001**.

10. Other persons living in the household are **Christine Johnson (dob September 7, 1992, biological daughter, and Larry (dob March 1, 2003) and Valerie (dob July 14, 2005), foster children**

11. The name by which the adoptive child is to be known is:

JAMES ISAIAH JOHNSON

12. Upon information and belief, the adoptive child has has not been previously adopted.

13. To the best of Petitioners' information and belief, there are no persons other than those mentioned herein or in the verified schedule annexed hereto who are entitled, pursuant to Sections 111(3) and 111-a of the Domestic Relations Law, to notice of this proceeding (except):

Name: Relationship:
Last known address:

Name: Relationship:
Last known address:

Name: Relationship:
Last known address:

Form 1-A: Adoption Petition page 4 of 5

14 (a). The adoptive parents have no knowledge that the child or an adoptive parent is the subject of an indicated report, or is another person named in an indicated report of child abuse or maltreatment, as such terms are defined in section 412 of the Social Services Law, or has been the subject of or the respondent in a child protective proceeding which resulted in an order finding that the child is an abused or neglected child.

(b)[Check applicable box(es)]: Upon information and belief,
x [] Neither the adoptive parents nor any other adult over the age of 18 residing in the household have a criminal record.
[] The following adoptive parent(s)[specify]: have been convicted of the following offenses [specify, including dates] of conviction: However, denial of Petitioner's petition will create an unreasonable risk of harm to the physical or mental health of the child and granting the petition will not place the child's safety in jeopardy and will be in the best interests of the child, pursuant to Social Services Law §378-a(2)(e)(1), for the following reason(s) [specify]:

[] The following adult over the age of 18 living in the home [specify]: has the following record of criminal conviction(s) [specify, including date(s)]:

15. There are no prior or pending proceedings affecting the custody or status of the adoptive child, including any proceeding[s] dismissed or withdrawn, (except)[specify type of proceeding, court, disposition, if any, and date of disposition, if any]:

[If there is a post-adoption contact agreement, attach it and answer Question 16]:
16 [] On [specify date]:, at the time of the approval of the surrender of the child, the Family Court, [specify]: County, approved the annexed post-adoption contact agreement as being in the child's best interests. The agreement was consented to in writing by the following [specify]:
Adoptive parent(s)[specify]:
Birth parent(s) [specify]:
Adoptive child's law guardian [specify]:
Sibling(s) or half-sibling(s) over the age of 14, if contact is with siblings or half-siblings [specify]:

17. This petition [] has x[] has not been filed in the Court that exercised jurisdiction over the most recent permanency or other proceeding involving this child. [If it has not, petitioner must file affirmation, Adoption Form 1-E].

18. [Insert any additional allegations.]

WHEREFORE, the Petitioners requests an order: approving the adoption of the adoptive child JAMES by the Petitioners, and [delete if inapplicable]: incorporating the post-adoption contact agreement, and directing that the adoptive child shall be treated in all respects as the child of the Petitioners, and directing that the name of the adoptive child be changed and that (s)he shall henceforth be known by the name of JAMES ISAIAH JOHNSON, together with such other and further relief as may be just and proper.

Dated: , .

MARVA JOHNSON

Adoptive Parent: typed or printed name/ signature

JEROME JOHNSON

Adoptive Parent: typed or printed name / signature

Form 1-A: Adoption Petition *page 5 of 5*

_____/_____
 Adoptive child if over 18: typed or printed name/ signature
FRANCES HALL

_____/_____
 Attorney, if any, typed or printed name/signature
50 East 42nd Street, Suite 300, New York, New York 10165
212-347-8862

 Attorney's Address and Telephone number

VERIFICATION

STATE OF NEW YORK)
 :ss.:
 COUNTY OF NEW YORK)

MARVA JOHNSON AND JEROME JOHNSON,
 being duly sworn, says that they are the Petitioners in the above-named proceeding and that the foregoing petition is true to their own knowledge, except as to matters where in stated to be alleged on information and belief and as to those matters they believe it to be true.

MARVA JOHNSON
 _____/_____
 Adoptive Parent: typed or printed name/ signature

JEROME JOHNSON
 _____/_____
 Adoptive Parent: typed or printed name/ signature

_____/_____
 Adoptive Child if over 18: typed or printed name/signature

Sworn to before me this
 day of , .

 Notary Public

Resworn to before me this
 day of , .

 Judge of the Family Court

Form 1-D: Child's Medical History page 1 of 4

D.R.L. §§112(3)(6)
S.S.L. §373-a

Form 1-D
(Child's Medical
History - Agency or
Private-Placement)
12/97

FAMILY COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

In the Matter of the Adoption of
A Child whose First Name is

JAMES

(Docket)(File) No.

Child's Medical
History (Agency or
Private-Placement)

1. Age and date of birth of child **16, January 11, 1991**

2. Has the child had any of the following illnesses or health problems: (Where indicated, specify below or on additional sheet).

- | | |
|--|--|
| <input type="checkbox"/> (AIDS Infection) | <input type="checkbox"/> Hepatitis |
| <input type="checkbox"/> (HIV positive status) ¹ | <input type="checkbox"/> Kidney disease |
| <input type="checkbox"/> Allergy to foods/other substances | <input type="checkbox"/> Malaria |
| <input type="checkbox"/> Allergy to medications (prescription or over-the-counter) | <input type="checkbox"/> Mental/Behavioral disorders (specify): |
| <input type="checkbox"/> Asthma | <input type="checkbox"/> Mumps |
| <input type="checkbox"/> Chicken Pox | <input type="checkbox"/> Parasites in stool |
| <input type="checkbox"/> Circulatory system disorders (specify): | <input type="checkbox"/> Rheumatic Fever |
| <input type="checkbox"/> Diabetes | <input type="checkbox"/> Scarlet Fever |
| <input type="checkbox"/> Diphtheria | <input type="checkbox"/> Sickle Cell Anemia/Trait |
| <input type="checkbox"/> German Measles (Rubella) | <input type="checkbox"/> Tuberculosis |
| <input type="checkbox"/> Measles (Rubeola) | <input type="checkbox"/> Typhoid Fever |
| <input type="checkbox"/> Hay Fever | <input type="checkbox"/> Urinary tract infection |
| <input type="checkbox"/> Heart problems (specify): | <input type="checkbox"/> Whooping Cough (Pertussis) |
| | <input type="checkbox"/> Other (specify): |
| | <input type="checkbox"/> Operations/Accidents/Fractures (specify): |

3. Immunizations: give dates of the following:

D.P.T/D.T. _____
Polio (oral) _____

¹ Delete inapplicable provision.

Form 1-D: Child's Medical History *page 2 of 4*

Measles _____ Mumps _____ Rubella _____
 Hemophilus Influenza B. (H.I.B.) _____
 Heptavax/Hepatitis Immune Globulin _____
 Influenza (Flu) _____
 Pneumonia vaccine _____
 Other (specify) _____
 Tuberculosis test (most recent/result) _____

4. List Pre-natal History:

___ First trimester bleeding
 ___ Toxemia (high blood pressure
 or protein in the urine)
 ___ Medications (other than
 vitamins or iron)
 ___ Diabetes or thyroid
 problem (specify):

___ Drugs (such as marijuana,
 heroin, methadone or
 amphetamines) (specify):

___ Alcohol (occasional)(moderate)(heavy)²
 (specify):

Birth:

Birth weight _____ length _____
 Apgar score: 1 min. _____ 5 mins. _____
 Date baby was due _____
 Date baby was born _____
 Complications of delivery:
 ___ Premature rupture of membranes
 ___ Caesarian: routine _____ emergency _____
 ___ Excessive bleeding: abruption _____ placenta previa _____

Newborn:

___ Resuscitation required
 ___ Yellow jaundice:
 lights _____ exchange transfusion _____
 ___ Infection (specify):
 ___ Breathing problem (specify):
 ___ Other (specify):

5. List congenital impairments, including physical defects, if any.

²Delete inapplicable provision.

Form 1-D: Child's Medical History *page 3 of 4*

6. State present health or cause of death (give ages), if known, of:

Birth father:
Birth mother:
Siblings: full:
half:

7. If known, indicate whether birth mother had any of the following:

Tuberculosis
 Diabetes
 Mental or nervous disorder e.g., schizophrenia, depression, manic depressive illness (specify):

Thyroid disease
 Stroke
 Sickle cell anemia
 (Aids infection) (HIV positive status)*
 High blood pressure
 Bleeding tendency
 Eye or ear disorder
 Retardation: mental
 Physical disability (specify):
 Circulatory or blood disorders (specify):
 Obesity

Asthma
 Gastrointestinal disease, (e.g., gall bladder, ulcer, irritable bowel disorder) (specify):

Breast cancer
 Colon cancer
 Cancer, other (specify):
 Arthritis or rheumatism
 Kidney disease (specify):
 Alcoholism or other substance abuse (specify):
 Developmental disorder (e.g., learning disability, (attention deficit)(specify):
 Other (specify):

8. If known, indicate whether birth father had any of the following:

Tuberculosis
 Diabetes
 Mental or nervous schizophrenia, depression, manic depressive illness (specify):
 Thyroid disease
 Stroke
 Sickle cell anemia

Asthma
 Gastrointestinal disease (e.g., gall bladder, ulcer, irritable bowel disorder) (specify):
 Colon cancer
 Cancer, other (specify):

Form 1-D: Child's Medical History *page 4 of 4*

___ (AIDS infection)
 (HIV positive status)*

___ Arthritis or rheumatism
 ___ Kidney disease
 (specify):

 *Delete inapplicable provision.

___ High blood pressure
 ___ Bleeding tendency
 ___ Eye or ear disorders
 ___ Retardation: mental
 ___ Physical disability
 (specify)
 ___ Circulatory or blood
 disorders (specify):
 ___ Obesity

___ Alcoholism or other substance
 abuse (specify):

 ___ Developmental disorder
 (e.g., learning disability,
 attention deficit disorder)
 (specify):
 ___ Other (specify):

Indicate source for information about child's medical history
 and the source(s) for information about medical history of birth father and birth mother and
 whether from direct or indirect source:

Completed by (state official
 title, if any): _____

 Petitioner

 Print or type name

 Signature of Attorney, if any

 Attorney's Name (Print or Type)

 Attorney's Address and Telephone Number

Form 1-E: Affirmation Regarding Venue page 1 of 2

D.R.L. §113

[This form must be submitted in cases where the adoption petition was filed before a judge other than the judge who heard the most recent Family Court proceeding]

Adoption Form 1-E (Affirmation Regarding Venue) (9/2006)

FAMILY COURT OF THE STATE OF NEW YORK COUNTY OF NEW YORK

In the Matter of the Adoption of A Child Whose First Name Is:

Docket No. AFFIRMATION REGARDING VENUE

JAMES

I, Frances Hall, an attorney duly admitted to practice law in the State of New York, affirm the following:

1. I represent :Marva and Jerome Johnson, the prospective adoptive parents in the above-entitled proceeding regarding the adoption of James

2. Upon information and belief, according toFamily Servicesthe child was freed for adoption as follows

a. The child's birth mother:

x[] surrendered her parental rights in a []judicial surrender executed before Judge George McGrath in Family Court, Suffolk County on June 16, 2006 in Docket # AS-3495/06

[] extra-judicial surrender approved by Judge [specify]: in Family Court, [specify county]: on [specify date]: in Docket # [specify]:

[] had her parental rights terminated by order of Judge [specify]: in Family Court, [specify county]: on [specify date]: in Docket # [specify]:

[] is unknown.

[] is deceased.

b. The child's birth father or any other individual entitled to consent to the adoption:

[] surrendered his parental rights in a []judicial surrender executed before Judge [specify]: in Family Court, [specify county]: on [specify date]: in Docket # [specify]:

[] extra-judicial surrender approved by Judge [specify]: in Family Court, [specify county]: on [specify date]: in Docket # [specify]:

[] had his parental rights terminated by order of Judge [specify]: in Family Court, [specify county]: on [specify date]: in Docket # [specify]:

[] is unknown.

Form 1-E: Affirmation Regarding Venue *page 2 of 2*

is deceased.

3. Upon information and belief, according to Family Services the child's most recent permanency hearing was held before **Judge George McGrath** in Family Court, Suffolk County, on January 7, 2007

4. This adoption proceeding has been filed before this Court for the following reasons:

This Court is more familiar with the facts and circumstances regarding permanency planning for, and the needs and best interests of, this child, because [specify]:

The child's law guardian [specify]: _____ is able to continue to represent the child in this proceeding.

The prospective adoptive parents **reside in New York County and would find it a hardship to travel to the Family Court in Suffolk County**

This Court will be able to proceed in this matter more expeditiously because [specify]:

Other [specify]:

WHEREFORE, for the reasons stated above, I am requesting that this Court retain jurisdiction over this adoption proceeding.

Signature of Affirmant

Frances Hall

Affirmant's Name (print or type)

50 East 42nd Street, Suite 300

New York, New York 10165

212-347-8862

Affirmant's Address and Telephone Number

Form 1-G: Order Regarding Venue page 1 of 2

D.R.L. §113
[This Order must be issued within 30 days of filing
of adoption petition in cases filed before a judge
than the judge who heard most recent Family Court proceeding]

Adoption Form 1-G
(Order Regarding Venue)
(9/2006)

At a term of the Family Court of the State of New York,
held in and for the County of
at _____, New York, on

PRESENT:
Hon. _____
Judge

.....

In the Matter of the Adoption of
A Child Whose First Name Is:

Docket No.
ORDER REGARDING
VENUE

.....

The petition regarding the adoption of the above-named child having been filed in this Court, and the affirmation of Petitioner's attorney regarding venue, dated [specify]: having been presented to this Court, and this Court having notified the parties to this action and given them an opportunity to present facts and legal argument regarding venue,

And this Court having communicated with the Hon. _____, Judge of the Family Court, _____ County, and the Hon. _____, Judge of the Family Court, _____ County, having submitted a Determination Regarding Venue (Form 1-F) to this Court, dated [specify]: _____, that contains a determination regarding the venue of this action,

NOW, and upon all the papers and proceedings herein, it is hereby
ORDERED that the determination of venue by the Family Court, _____ County, and the reasons stated therein be incorporated into this Order, and it is further

[Check applicable box]:

ORDERED that the adoption petition regarding the above-named child be heard in this Court forthwith;

OR

ORDERED that the adoption petition regarding the above-named child be transferred to the Hon. _____, Judge of the Family Court, _____ County, forthwith, but in no event more than 35 days from the date of filing of the adoption petition;

Form 1-G: Order Regarding Venue page 2 of 2

Adoption Form 1-G Page 2

AND IT IS FURTHER ORDERED that [specify; delete if inapplicable]:

ENTER

Judge of the Family Court Surrogate

Dated: , .

PURSUANT TO SECTION 1113 OF THE FAMILY COURT ACT, AN APPEAL FROM THIS ORDER MUST BE TAKEN WITHIN 30 DAYS OF RECEIPT OF THE ORDER BY APPELLANT IN COURT, 35 DAYS FROM THE DATE OF MAILING OF THE ORDER TO APPELLANT BY THE CLERK OF COURT, OR 30 DAYS AFTER SERVICE BY A PARTY OR THE LAW GUARDIAN UPON THE APPELLANT, WHICHEVER IS EARLIEST.

Check applicable box:

- Order mailed on [specify date(s) and to whom mailed]: _____
- Order received in court on [specify date(s) and to whom given]: _____

Form 2-A: Agreement of Adoption and Consent page 1 of 3

D.R.L. § 111(1)(f), 112(2)(b)113

Form 2-A
(Agreement of Adoption
and Consent -- Agency)
8/2002

FAMILY COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

In the Matter of the Adoption of
A Child Whose First Name Is

(Docket)(File) No.

JAMES

AGREEMENT OF
ADOPTION AND
CONSENT (Agency)

The undersigned petitioning adoptive parents hereby agree to adopt the above-named adoptive child and to treat said child in all respects as their own lawful child and to extend and assure to said child all the rights, benefits and privileges incident to such relationship, and to incur and fulfill all the responsibilities of parents with respect to said child.

Dated: February 3, 2007

MARVA JOHNSON

Adoptive Parent: typed or printed name/ signature

JEROME JOHNSON

Adoptive Parent: typed or printed name
Adoptive child if over 14: typed or printed name/ signature

FRANCES HALL

Attorney if any: typed or printed name/signature
50 East 42nd Street, Suite 300, New York, New York 10165
212-347-8862

Attorney's Address and Telephone number

Form 2-A: Agreement of Adoption and Consent *page 2 of 3*

The undersigned authorized agency hereby consents to the adoption of the above-named adoptive child by the petitioning adoptive parents.

Name of Authorized Agency: **FAMILY SERVICE**

By _____

Title

STATE OF NEW YORK)
 ss:
 COUNTY OF NEW YORK)

On February 3, 2007, **MARVA JOHNSON** personally appeared before me. She is personally known to me or proved her identity to me by satisfactory evidence as the person whose name is subscribed on this agreement of adoption and consent. She acknowledged to me that she executed this agreement and consent.

 Notary Public

STATE OF NEW YORK)
 ss:
 COUNTY OF NEW YORK)

On FEBRUARY 3, 2007 **JEROME JOHNSON** personally appeared before me. He is personally known to me or proved his identity to me by satisfactory evidence as the person whose name is subscribed on this agreement of adoption and consent. She acknowledged to me that she executed this agreement and consent.

 Notary Public

Form 2-C: Consent of Child *page 1 of 2*

D.R.L. §111(1) (a)

**Adoption Form 2-C
(Consent of Child-
Agency)
8/2002**

FAMILY COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

In the Matter of Adoption of
A Child Whose First Name Is

(Docket)(File) No.

CONSENT OF CHILD
OVER 14

JAMES

The undersigned adoptive child, who is **16** years old, having been born on **January 11, 1991**, hereby consents to his adoption by **Marva Johnson and Jerome Johnson** the petitioning adoptive parents in the above-entitled proceeding.

Dated: February 3, 2007

Child

MARVA JOHNSON _____ / _____
Adoptive Parent: typed or printed name/ signature

JEROME JOHNSON _____ / _____
Adoptive Parent: typed or printed name / signature

JAMES TAYLOR _____ / _____
Adoptive child if over 14: typed or printed name/ signature

FRANCES HALL _____ / _____
Attorney if any: typed or printed name/signature
50 East 42nd Street, New York , New York 10165
212-247-8862

Attorney's Address and Telephone number

Form 4: Notice of Proposed Adoption page 1 of 1

D.R.L. §§ 111(3), 111-a(6),115(9).

**Adoption Form 4
(Notice of Proposed Adoption)
10/2004**FAMILY COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORKIn the Matter of the Adoption of _____
A Child whose First Name is**JAMES** Docket File No.NOTICE OF PROPOSED
ADOPTIONTo: **Marvin Harris**

PLEASE TAKE NOTICE that a petition requesting an order approving and allowing the adoption of an adoptive child whose first name is **James**, who is alleged to be your son, and whose full name and date and place of birth is set forth in a Schedule annexed to the petition for adoption herein, together with an agreement to adopt and consents to the adoption pursuant to the Domestic Relations Law, has been filed with the **Family Court of the State of New York, New York County**. A hearing on the petition will be held at the Court, located at **60 Lafayette Street, New York, New York** on **March 23, 2007**, at 9:30 o'clock in the x morning afternoon of that day, at which time and place all persons having any interest therein will be heard.

:

PLEASE TAKE FURTHER NOTICE that your failure to appear may constitute a denial of your interest in the child, which may result, without further notice to you, in the adoption or other disposition of the custody of the child.

Signature of Petitioner's Attorney**FRANCES HALL**_____
Attorney's Name_____
50 East 42nd Street, New York, New New York
212-212-347-8862_____
Attorney's Address and Telephone Number

Form 6: Order for Investigation page 1 of 2

D.R.L. §§ 112(7), 113

**Form 6
(Adoption--Order for
Investigation)
9/99**

At a term of the Court of the
State of New York, held in and for the
County of New York
at 60 Lafayette Street, New York, New York
on _____, 20

P R E S E N T:
Hon.
Judge

In the Matter of Adoption of
A Child Whose First Name Is

(Docket)(File) No.

JAMES

ORDER FOR
INVESTIGATION

UPON reading and filing the petition, agreement of adoption and consents and other papers submitted herein, it is

ORDERED that **FAMILY SERVICES** be and hereby is designated and appointed to investigate the truth and accuracy of the allegations of the petition; and it is further

ORDERED that said investigator shall ascertain as fully as possible and incorporate in a report such other factors relating to the adoptive child and the adoptive parents as will give the court adequate time for determining the propriety of approving the adoption; and it is further

ORDERED that within thirty 30 days of the date of this order, unless this Court shall grant an extension of such period for good cause shown, said investigator shall make a written report of such investigation and submit the same to this Court; and it is further

ORDERED that the report of said investigation shall be kept by the court as a permanent record and sealed and withheld from inspection subject to the provisions of the Domesdtic Relations Law.

Form 6: Order for Investigation *page 2 of 2*

Dated:

PURSUANT TO SECTION 1113 OF THE FAMILY COURT ACT,
AN APPEAL FROM THIS ORDER MUST BE TAKEN WITHIN 30
DAYS OF RECEIPT OF THE ORDER BY APPELLANT IN COURT,
35 DAYS FROM THE DATE OF MAILING OF THE ORDER TO
APPELLANT BY THE CLERK OF COURT, OR 30 DAYS AFTER
SERVICE BY A PARTY OR THE LAW GUARDIAN UPON THE
APPELLANT, WHICHEVER IS EARLIEST.

ENTER

J.F.C

Date: , .

Check applicable box:

- Order mailed on [specify date(s) and to whom mailed]: _____
- Order received in court on [specify date(s) and to whom given]: _____

Form 8-A: Adoption-Affidavit Identifying Party page 1 of 1

22 NYCRR 205.53(b)(2)

Form 8-A
(Adoption- Affidavit
Identifying
Party-Agency)
4/2002

FAMILY COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

In the Matter of Adoption of
A Child Whose First Name Is

(Docket)(File) No.

JAMES

AFFIDAVIT
IDENTIFYING
PARTY
(Agency)

STATE OF NEW YORK)
COUNTY OF)ss.:

I : **Frances Hall** , having been duly sworn, deposes and states the following:

1. : I am an attorney at law duly licensed to practice under the laws of the State of New York and have an office at: **50 East 42nd Street, Suite 300, New York, New York 10165**

2. I know: **MARVA JOHNSON** and I know that she is the same person described in and who executed the annexed Petition for Adoption and who is now present before the Court.

3. I know **JEROME JOHNSON** and I know that he is the same person described in and who executed the annexed Petition for Adoption and who is now present before the Court.

Affiant

Sworn to before me this
day of , .

Judge of the Family Court

Form 9-A: Affidavit of Financial Disclosure – Parents page 1 of 2

S.S.L. § 374(6);
22 NYCRR 205.53(b)(8)

Form 9-A
(Affidavit of Financial
Disclosure - Parents
- Agency)
9/99

FAMILY COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

In the Matter of the Adoption of
A Child whose First Name is

(Docket)(File) No.

JAMES

AFFIDAVIT OF
FINANCIAL
DISCLOSURE -
PARENTS
(Agency)

STATE OF NEW YORK)
 ss:
COUNTY OF NEW YORK)

MARVA JOHNSON and JEROME JOHNSON

being duly sworn, depose and say:

1. That deponents reside at **815 Second Avenue, New York New York 10022** and are the petitioning adoptive parents of the above-named adoptive child; and

2. That deponents have paid or given or caused to be paid or given or undertaken to pay or give the following expenses, contributions, compensation or things of value, either directly or indirectly, to any person, agency, association, corporation, institution, society or organization, in connection with the placing out of said adoptive child with deponents or with the adoption of said child by deponents:

[Specify recipient, amount, form,
and purpose of each payment. If
none, so state.] **NONE**

3. That deponents have requested, received or accepted, either directly or indirectly, the following compensation or things or value from any person, agency, association, corporation, institution, society or other organization in connection with the placing out of said adoptive child with deponents or with the adoption of said child by deponent).

[Specify source, amount, form
and purpose of each payment
requested or received. If none,
so state.] **NONE**

Form 9-A: Affidavit of Financial Disclosure – Parents *page 2 of 2*

MARVA JOHNSON

_____/_____
*(Adoptive) (Birth)(Legal) Parent: typed or printed name/ signature

JEROME JOHNSON

_____/_____
*(Adoptive)(Birth) (Legal) Parent: typed or printed name/ signature

FRANCES HALL

_____/_____
*Attorney if any: typed or printed name/signature

50 East 42nd Street,, Suite 300, New jYork, New York 10165
212-347-8862

*Attorney's Address and Telephone number

Sworn to before me this
day of , .

Judge of the Court

Form 13-A: Order of Adoption page 1 of 4

D.R.L. §§ 111, 112(b), 113, 114

Form 13-A
(Order of Adoption -
Agency)
(9/2006)

At a term of the Family Court of the
State of New York, held in and for the
County of New York
at 60 Lafayette Street, , New York,
on , .

PRESENT:

Hon.
Judge

.....
In the Matter of the Adoption of
A Child Whose First Name Is

(Docket) (File) No.

JAMES

**ORDER OF
ADOPTION
(Agency)**

.....
The Petition of **MARVA JOHNSON** and **JEROME JOHNSON**, verified the **3rd day of February, 2007**, having been duly presented to this Court, together with an agreement on the part of the petitioning adoptive parent(s) to adopt and treat as their own lawful child the adoptive child having the given first name of **JAMES** and whose full name is **JAMES TAYLOR**, and whose birth day is **January 11, 1991** and who was born at **Queens Memorial Hospital, Jamaica, New York**, as set forth in the verified schedule attached to the petition for adoption and having been made a part thereof; together with a document setting forth all available information comprising the adoptive child's medical history; together with the affidavit) of **MARVA JOHNSON** and **JEROME JOHNSON** and **FRANCES HALL** and the consent of **FAMILY SERVICES**

AND together with the written post-adoption contact agreement, consented to by Petitioners, by the child's birth parent: _____, by the child's law guardian [specify]: _____, by the child's sibling(s) or half-sibling(s) [specify; delete if inapplicable]: _____ and by the child, attached and incorporated into this Order;³

AND, although his consent is not required, the Court having given notice of the proposed adoption to **MARVIN HARRIS**

AND the above-named petitioning adoptive parents and the adoptive child and all other persons whose consents are required having personally appeared before this Court for examination, (;

[Required in cases involving Native-American children; check if applicable]:

³ NOTE: If a post-adoption contact agreement is incorporated into this order, the court-ordered agreement, but not this Order, shall be given to the birth parents.

Form 13-A: Order of Adoption page 2 of 4

Αδοπτιον Φορμ 13-A Παγε 25

- And the following having been duly notified [check applicable box(es)]:
 parent/custodian tribe/nation United States Secretary of the Interior;
 And the tribe/nation having: appeared not appeared;

AND the agency having obtained a New York State and national criminal history of the petitioning adoptive parents and adults over 18 residing in their home and
 such check having revealed no disqualifying convictions, as provided in Section 378-a of the Social Services Law;

such check having revealed that Petitioner [specify]: _____ was criminally convicted but the Court having determined that denial of Petitioner's petition will create an unreasonable risk of harm to the physical or mental health of the child and that granting the petition will not place the child's safety in jeopardy and will be in the best interests of the child, pursuant to Social Services Law §378-a(2)(e)(1);

such check having revealed that another adult over 18 in the home [specify]: _____ was criminally convicted but the Court having determined that adoption by the Petitioner(s) will nonetheless be in the child's best interests;

AND an investigation having been ordered and made and the written report of such investigation having been filed with the Court, as required by the Domestic Relations Law;

AND the verified report of **FAMILY SERVICES** _____, the authorized agency, dated **JANUARY 16, 2007**, is hereby accepted, pursuant to section 113 of the Domestic Relations Law, as the report of investigation required by section 112 of the Domestic Relations Law;

AND the adoptive child having resided with the petitioning adoptive parents since **August 2, 2001** and [check box, if applicable]: the judge having dispensed with the three month period of residency with the adoptive parent(s), pursuant to section 112 of the Domestic Relations Law because [specify]: _____

AND the court having inquired of the statewide central register of child abuse and maltreatment and having been informed that

Neither the adoptive parent is the subject of, or another person named in, an indicated report filed with such register as such terms are defined in section 412 of the Social Services Law;

The adoptive parent(s) (is) (are) the subject of, or another person named in, an indicated report filed with such register as such terms are defined in section 412 of the Social Services Law, as follows [specify]: _____

and the Court having given due consideration to the information contained therein;

AND this Court having determined that the best interests of the adoptive child will be promoted by the adoption and that there is no reasonable objection to the proposed change of the name of the adoptive child;

Form 13-A: Order of Adoption *page 3 of 4*

NOW, on motion of **FRANCES HALL**, attorney for the petitioners herein, and upon all the papers and proceedings herein, it is

ORDERED that the petition of **MARVA JOHNSON and JEROME JOHNSON** for the adoption of **JAMES TAYLOR**, a person born on : **January 11, 1991 at Queens Memorial Hospital, Jamaica, New York**, is allowed and approved; and it is further

ORDERED that the adoptive child shall henceforth be regarded and treated in all respects as the lawful child of the adoptive parents, and it is further

ORDERED that the name of the adoptive child is changed to **JAMES ISAIAH JOHNSON** and that the adoptive child shall hereafter be known by that name; and it is further

ORDERED that the Clerk prepare, certify and deliver to **FRANCES HALL** two (2) copy(s) of this order; and it is further

ORDERED that the child's medical history; heritage of the parents, which shall include nationality, ethnic background and race; education, which shall be the number of years of school completed by the parents at the time of the birth of the adoptive child; general physical appearance of the parents at the time of the birth of the adoptive child, including height, weight, color of hair, eyes, skin; occupation of the parents at the time of birth of the adoptive child; health and medical history of the parents at the time of birth of the adoptive child, including all available information setting forth conditions or diseases believed to be hereditary, any drugs or medication taken during pregnancy by the mother; and other information which may be a factor influencing the child's present or future well-being; and talents, hobbies and special interests of the parents as contained in the petition, shall be furnished to the adoptive parent(s); and it is

[Check box if applicable]: ORDERED that the post-adoption contact agreement, which was approved as being in the child's best interests by the Court that approved the child's conditional surrender and which was consented to in writing by the following [specify]:

Adoptive parent(s)[specify]:

Birth parent(s) [specify]:

Adoptive child's law guardian [specify]:

Sibling(s) or half-sibling(s) over the age of 14, if contact is with siblings or half-siblings [specify]:

is hereby incorporated into this Order of Adoption; and a true copy of such post-adoption contact agreement and Order of Incorporation shall be given to all parties to the post-adoption contact agreement;⁴ and it is further

ORDERED that, if required by a governmental agency, including but not limited to, the United States Social Security Administration, the United States Passport Office and the New York State Department of Motor Vehicles, in connection with an application submitted by or on behalf of the

⁴ The Order of Incorporation and Post-Adoption Contact Agreement, but not this Order of Adoption, must

Form 13-A: Order of Adoption *page 4 of 4*

adoptive child, the adoptive parents' attorney **Frances Hall** is authorized to deliver a certified copy of this Order of Adoption to such agency directly or to the adoptive parent, as he or she deems appropriate; and it is further

ORDERED that this order, together with all other papers pertaining to the adoption, shall be filed and kept as provided in the Domestic Relations Law and shall not be subject to access or inspection except as provided in this Order or such Law.

ENTER

Judge of the Family Court

Dated: , .

PURSUANT TO SECTION 1113 OF THE FAMILY COURT ACT,
AN APPEAL FROM THIS ORDER MUST BE TAKEN WITHIN 30
DAYS OF RECEIPT OF THE ORDER BY APPELLANT IN COURT,
35 DAYS FROM THE DATE OF MAILING OF THE ORDER TO
APPELLANT BY THE CLERK OF COURT, OR 30 DAYS AFTER
SERVICE BY A PARTY OR THE LAW GUARDIAN UPON
THE APPELLANT, WHICHEVER IS EARLIEST.

Check applicable box:

- Order mailed on [specify date(s) and to whom mailed]: _____
- Order received in court on [specify date(s) and to whom given]: _____

Form 14: Certificate of Adoption *page 1 of 1*

D.R.L. §114

**Adoption Form 14
(Certificate of Adoption)
(9/2005)**

CERTIFICATE OF ADOPTION

I, _____, Clerk of Family Court of New York County, do hereby certify that I have inspected the records of this Court and find that:

AN ORDER OF ADOPTION was signed on the 14th day of April, 2007 by Honorable **Richard O'Mera**, Judge of the Family Court of the County of New York, granting the petition of **MARVA JOHNSON** and **JEROME JOHNSON**, adoptive parents of a child now known and called by the name of **JAMES ISAIAH JOHNSON**, who was born at **Queens Memorial Hospital, Jamaica, New York, on the 11th day of January 1991**;

This certificate as to the facts recited herein shall have the same force and effect as a certified copy of an order of adoption.

IN TESTIMONY WHEREOF I have hereunto set my hand
and affixed the seal of the Family Court of the County of New York
this 14th day of April, 2007

Clerk of the Family Court
County of New York

Unified Court System Attorney's Affidavit page 1 of 2

UCS836
rev. 3/02

NEW YORK STATE UNIFIED COURT SYSTEM ATTORNEY'S AFFIDAVIT

Agency and Private Placement Adoptions

Names or other information likely to identify the birth or adoptive parents or the adoptive child are to be omitted from the information to be supplied in the attorney's statement

Pursuant to 22 NYCRR 603.23; 691.23; 806.14; 1022.33

(a) Every attorney appearing for an adoptive parent, a natural parent, or an adoption agency in an adoption proceeding in the courts within this judicial department, shall, prior to the entry of an adoption decree, file with the Office of Court Administration of the State of New York and with the Court in which the adoption proceeding has been initiated, a signed statement under oath setting forth the following information (please type or print, use additional pages where necessary):

1. **Name of Attorney:** Last Name: _____ First Name _____ Initial _____

2. **Association with firm:** (if any) _____

3. **Business Address:** Street _____
City _____ State _____ Zip _____

4. **Telephone Number:** _____

5. **Docket Number of Adoption proceeding:** _____

6. **Court where adoption has been filed:** (include county) _____

7. **The date and terms of every agreement,** written or otherwise, between the attorney and the adoptive parents, the birth parents, or anyone else on their behalf, pertaining to any compensation or thing of value paid or given, or to be paid or given by or on behalf of the adoptive parents or the birth parents, including but not limited to retainer fees. (Indicate whether the agreement is in writing or oral by checking the appropriate box).

Date of Agreement: mm / dd / yyyy Written Agreement Oral Agreement

Terms of Agreement: _____

8. **The date and amount of any compensation paid or thing of value given,** and the amount of total compensation to be paid or thing of value to be given to the attorney by the adoptive parents, the birth parents, or by anyone else on account of or incidental to any assistance or service in connection with the proposed adoption. (If the source of compensation or thing of value is the birth parents or the adoptive parents check appropriate box only; if other, specify name).

Date: mm / dd / yyyy Compensation paid or thing of value given: _____

Source of compensation or thing of value given: Birth parents \$ _____ Adoptive parents \$ _____

Other \$ _____ (specify name) _____

Total compensation to be paid or thing of value to be given: _____

Source of compensation to be paid or thing of value to be given: Birth parents \$ _____ Adoptive parents \$ _____

Other \$ _____ (specify name) _____

9. **A brief statement of the nature of the services rendered:** _____

Complete items 10-11 if another attorney or attorneys will share in the fees received in connection with the proposed adoption:

10. The name and address of any other attorney or attorneys, who shared in the fees received in connection with the services or to whom any compensation or thing of value was paid or is to be paid, directly or indirectly, **by the attorney.** Include the amount of such compensation or thing of value.

Name: _____

Address: _____

Compensation paid or thing of value given: _____ Date paid: mm / dd / yyyy

Compensation to be paid or thing of value to be given: _____

11. The name and address of any other attorney or attorneys, if known, who received or will receive any compensation or thing of value, directly or indirectly, **from the adoptive parents, birth parents, agency or other source,** on account of or incidental to any assistance or service in connection with the proposed adoption. Include the amount of such compensation or thing of value, if known. If the source of compensation or thing of value is the birth or adoptive parents, check appropriate box only; if other, specify name.

Name: _____

Address: _____

Compensation paid or thing of value given: _____ Date paid: mm / dd / yyyy

Source of compensation: Birth parents \$ _____ Adoptive parents \$ _____

Other \$ _____ Specify name and address: _____

Compensation to be paid or thing of value to be given: _____

Source of compensation: Birth parents \$ _____ Adoptive parents \$ _____

Other \$ _____ Specify name and address: _____

Unified Court System Attorney's Affidavit page 2 of 2

Complete items 12-13 if another person, agency, association, corporation, institution, society or organization will share in the fees received in connection with the proposed adoption:

- 12. The name and address of any other person, agency, association, corporation, institution, society or organization who received or will receive any compensation or thing of value from the attorney, directly or indirectly, on account of or incidental to any assistance or service in connection with the proposed adoption. The amount of such compensation or thing of value.

Name: _____

Address: _____

Compensation paid or thing of value received: \$ _____ Date paid: mm / dd / yyyy _____

Compensation or thing of value to be received: _____

- 13. The name and address, if known, of any person, agency, association, corporation, institution, society or organization to whom compensation or thing of value has been paid or given or is to be paid or given by any source for the placing out of or on account of or incidental to assistance in arrangements for the placement or adoption of the adoptive child. The amount of such compensation or thing of value and the services performed or the purpose for which the payment was made. If the source of compensation or thing of value is the birth parents or the adoptive parents, check appropriate box only; if other, specify name. If additional space is needed, attach separate page.

Name: _____

Address: _____

Compensation paid or thing of value given: _____ Date paid: mm / dd / yyyy _____

Source of Compensation: Birth parents \$ _____ Adoptive parents \$ _____

Other \$ _____ Specify name and address: _____

Compensation to be paid or thing of value to be given: _____

Source of Compensation to be paid or thing of value to be given: Birth parents \$ _____ Adoptive parents \$ _____

Other \$ _____ Specify name and address: _____

Service performed or purpose of payment: _____

- 14. A brief statement as to the date and manner in which the initial contact occurred between the attorney and the adoptive parents or birth parents with respect to the proposed adoption.

Date: mm / dd / yyyy _____

I affirm that I have read this form, (including any attachments), in its entirety and that all statements I have made are true, to the best of my knowledge. False statements made in this affidavit are punishable under the penal law (§ 210.45).

Signature: _____ Date: mm / dd / yyyy _____

Department: _____ District: _____

Note:

Statements may be filed personally by the attorney or his/her representative at the main office of the Office of Court Administration in the City of New York, and upon such filing he/she shall receive a date stamped receipt containing the code number assigned to the original so filed. Statements may also be filed by ordinary mail, enclosing a self addressed stamped postcard.

Mail to: / All Inquiries should be directed to:

ADOPTION AFFIDAVITS
Office of Court Administration
P.O. Box 2016
New York, N.Y. 10008

212-428-2796

For Office of Court Administration Use Only

All statements filed by attorneys shall be deemed to be confidential, and the information therein contained shall not be divulged or made available for inspection or examination to any person other than the client of the attorney in the adoption proceeding, except upon written order of the Presiding Justice of the Appellate Division.

Adoption Information Registry Birth Parent Registration Form *page 1 of 2*

NEW YORK STATE DEPARTMENT OF HEALTH
Vital Records Section

Adoption Information Registry Birth Parent Registration Form

This form is to be completed by birth parents who consent to the adoption or who execute an instrument of surrender. It is used to register a birth parent's agreement or non-agreement to the release of the birth parent's name and address by the Adoption Registry to the adoptee (the adopted child). This identifying information will be given to the adopted child only when the child reaches at least eighteen years of age and voluntarily registers with the Adoption Registry.

FOR OFFICIAL NYS USE ONLY	
Registry #	_____
Date	_____

This form may also be used at any time after the adoption to agree to the release of identifying information, to withdraw your agreement or to update your contact information.

Instructions for the birth parents, adoption agencies, attorneys, courts and the NYC Department of Health and Mental Hygiene are on page 2.

1. Birth Parent Information:

Check one: Birth Mother Birth Father Date of your birth: 04/20/1962
MM/DD/YYYY

Name of birth parent
First Name: Patricia Middle Name: _____
Current Last Name: Taylor Maiden Last Name: _____
(If Applicable)

Contact Information:

Mailing address
Street: 1534 Roanoke Ave City/Town: Albany
State: New York ZIP: 12208
Email address: _____ Phone: (518) 222 - 2222

2. Adoptee Information:

Name given to child at birth
First Name: James Middle Name: Isaiah
Last Name: Harris Date of Birth: 01/11/1991
MM / DD / YYYY
Town, city or village of birth of adoptee: Jamaica, New York State.

3. Agency Information:

Name of Adoption Agency or Attorney if private adoption: Family Service
Name of Court: New York County Family Court

4. Birth Parent Statement:

I have read the Notice to Birth Parents on the reverse side of this form and I understand that if I agree to the release of identifying information the adoptee can be given my name and known address and that I will not be notified when the information is released. Further, I swear or affirm under penalty of perjury that all of the information provided on this application is true and accurate to the best of my knowledge and belief.

- Yes**, I agree that my name and address can be given to the adopted child if he or she registers with the Adoption Information Registry on or after his or her eighteenth birthday.
- No**, I do not wish my name and address to be given to the adopted child.

STATE OF _____ }
COUNTY OF _____ } **SS:**

If you change your mind after submitting this form, please complete a new form, checking either **Yes** or **No**, have the form notarized and send it to the Adoption Registry. The form with the most recent date will be kept on file.

Subscribed and sworn to (affirmed) before me this _____

day of _____, _____

▶
Signature of Applicant

▶
Signature of Notary Public

Adoption Information Registry Birth Parent Registration Form *page 2 of 2*NEW YORK STATE DEPARTMENT OF HEALTH
Vital Records Section**Adoption Information Registry Birth Parent Registration Form**

This form was developed in accordance with the provisions of Public Health Law section 4138-c(10).

Notice to Birth Parents

Do not complete this form for children born or adopted outside of New York State. The completed form will be submitted to the Court by the agency or attorney handling the adoption. The Court will send it to the Adoption Registry.

This form allows you to choose whether or not you would like the Adoption Registry to provide your name and address ("identifying information") to the adopted child. If you agree to the release of this information, the contact information will be provided to the child only if he or she registers with the Adoption Registry. The child will be able to register once he or she has reached at least eighteen years of age.

Checking **Yes** in item 4 on this form is not the same as giving consent to adoption or surrender. Whether you check **Yes** or **No**, your consent to or acknowledgment of the adoption or surrender will still be legal.

If you do not check either **Yes** or **No** we will treat your answer as **No** unless we already have a completed form from you on file. In that case, your previous choice will be retained and only your contact information will be updated.

You will not be notified if or when the Adoption Registry gives your information to the adopted child. It will be up to the adopted child whether or not he or she will request information or contact you.

If both birth parents consented to the adoption or executed a surrender instrument, then each must complete one of these forms. If either parent does not agree to the release of identifying information or later changes his or her mind and revokes agreement to the release of identifying information, the Adoption Registry will not release the name and address of either parent to the adopted child.

If you change your mind in the future you can complete a new form and agree to the release of identifying information or cancel your agreement by checking either **Yes** or **No**, having the form notarized and submitting the new form to the *NYS Department of Health, Adoption Information Registry, P.O. Box 2602, Albany, NY 12220-2602*.

The adopted child will receive the most current name and address that you have on file with the Adoption Registry. To make sure the child gets your current information, it is your responsibility to notify the Adoption Registry, in writing, if you change your name, address or other information. You may use this form to notify the registry of changes in your contact information.

You can file medical information updates with the Adoption Registry. Medical information must be submitted on your medical care provider's letterhead and include: medical care provider's name, address, telephone number and signature.

Further information about the services of the Adoption Registry and forms you can download can be found at http://www.nyhealth.gov/vital_records/adoption.htm and <http://www.nycourts.gov/forms/familycourt/adoption.shtml>

Adoption Agencies & Attorneys

For a child born in New York State, this form must be completed by the birth parent at the time the birth parent is either executing or acknowledging a consent to adoption pursuant to section 115-b of the Domestic Relations Law or is executing a surrender instrument pursuant to sections 383-c or 384 of the Social Services Law.

Completed forms must be filed with the court of adoption with the consent or instrument of surrender.

Court of Adoption

For a child born in New York State, this form must be completed by each birth parent at the time such birth parent is executing or acknowledging a consent to adoption or is executing a surrender instrument for the relinquishment of the child named in this form.

Send the Report of Adoption (DOH-1928) or, for New York City, Notification of Order of Adoption (VR-47) and a copy of this form to:

Adoptee born in New York City:

NYC Department of Health & Mental Hygiene
Office of Vital Records
125 Worth St., Rm. 133, CN4
New York, NY 10013

Adoptee born elsewhere in New York State:

NYS Department of Health
Vital Records Birth Amendment Unit
P.O. Box 2602
Albany, NY 12220-2602

NYC Department of Health & Mental Hygiene

Send copies of this form, the Notification of Order of Adoption, the original birth certificate and the amended birth certificate to:

NYS Department of Health, Adoption Information Registry, P.O. Box 2602, Albany, NY 12220-2602

APPENDIX E:

The New York City Children's Services Direct Payment System

The NYCSS direct payment system allows an adoptive parent to assign his or her payment for nonrecurring adoption expenses related to attorney fees to his or her attorney. This allows the adoptive parent to retain an attorney without paying fees directly.

For information contact:

New York City Children's Services Financial Services
Payment Services
Adoption Subsidy Unit
Legal Liaison
150 William Street
9th Floor
New York, New York 10038
(212) 676-7703 or (212) 442-4419

To process requests for payments, the Financial Services' Adoption Subsidy Unit must have the following for each child being adopted:

1. Agreement for Nonrecurring Adoption Expenses Signed by the adoptive parents, completed by the authorized agency. Approved by ACS and NYS DSS.
2. Bill to the adoptive parents. Must include the adoptive parents' names.
3. Assignment agreement - adoptive parents and attorney agree that payment for legal fees be paid directly to the attorney.

Must include the following information:

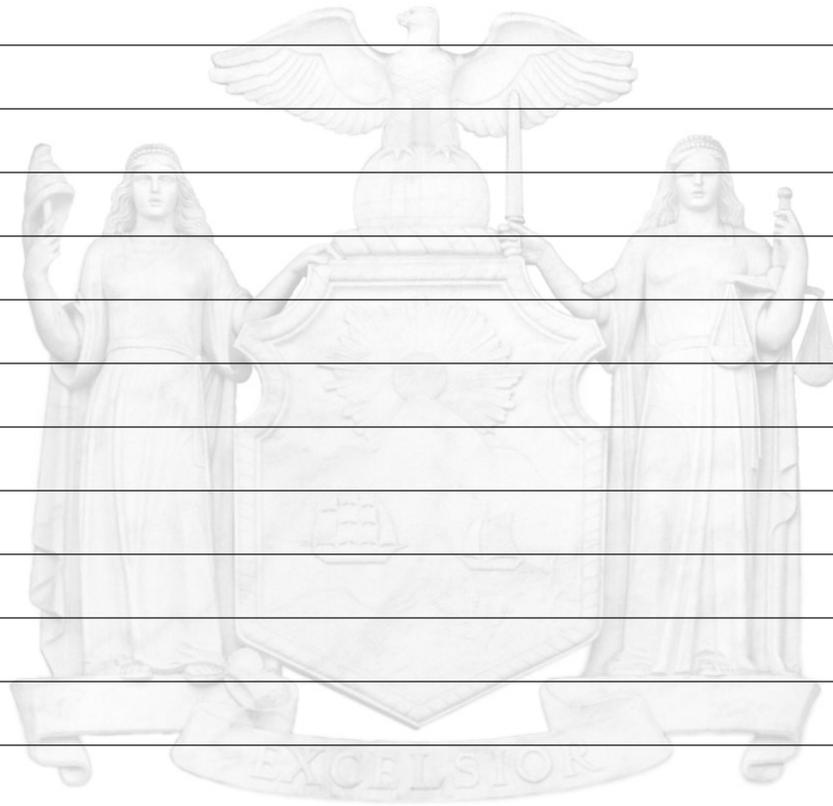
- i. Name of the adoptive child
- ii. Names of the adoptive parents
- iii. Name and address of the attorney to receive payment
- iv. Federal Tax I.D. or Social Security Number of the Attorney
- v. Signatures of the adoptive parents and attorney with date executed

It would be best if all three documents were submitted together either by the agency or by the attorney.



APPENDIX F:**Abbreviations Used in the Lawyer's Guide**

APA	Adoptive Placement Agreement
CAR	Comprehensive Adoption Report
CPLR	Civil Practice Laws and Rules
NYCCS	New York City Children's Services
DOH	Department of Health
DRL	Domestic Relations Law
FCA	Family Court Act
NYCRR	New York Code Rules and Regulations
OCFS	Office of Children and Family Services
OCA	Office of Court Administration
PINS	Person in Need of Supervision
SCR	Statewide Central Register
SSL	Social Services Law
TPR	Termination of Parental Rights



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Child Welfare

NEW YORK
STATE



Unified Court System • Division of Court Operations
Office of Alternative Dispute Resolution and Court Improvement Programs



Court Improvement Project

New York State

Permanent Judicial Commission on
Justice for Children

NYC Children's
Services

 New York State
Office of
Children & Family
Services