

NEW YORK STATE
 DEPARTMENT OF SOCIAL SERVICES
 40 NORTH PEARL STREET, ALBANY, NEW YORK 12243



CESAR A. PERALES
 Commissioner

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

INFORMATIONAL LETTER

TRANSMITTAL NO.: 84 INF-4
 [Family & Children Services]

TO: Commissioners of Social Services

SUBJECT: Surrenders of Out-of-Wedlock Children
 to Private Authorized Adoption Agencies

DATE: May 22, 1984

SUGGESTED DISTRIBUTION: Commissioner
 Director of Services
 All Child Welfare Staff
 Authorized Agencies Having Adoption Programs
 All Medical Assistance Staff

CONTACT PERSON: Any questions concerning this release should be directed to Mr. H. A. Harkess, Office of Policy Planning, Division of Services at 1-800-342-3715, extension 4-9574. Any medical assistance questions should be directed to your MA county representative at 1-800-342-3715, extension 3-7581. Medical Assistance questions in New York City should be directed to the New York City Office at (212)-488-7032.

I. PURPOSE

The purpose of this release is to inform local districts and authorized agencies of an amendment to paragraph (a) of subdivision 5 of Section 398 of the Social Services Law, providing relief from financial responsibility for mothers who surrender their out-of-wedlock children to private authorized adoption agencies.

II. BACKGROUND

Paragraph (f) of subdivision 6 of Section 398 of the Social Services Law contains a provision that the mother of an

FILING REFERENCES

| Previous INFs/ADMs | Dept. Regs. | Social Services Law and Other Legal References | Bulletin/Chapter Reference | Miscellaneous References |
|--------------------|-------------|--|----------------------------|--------------------------|
| 83-ADM | 421.6(d) | SSL 384 SSL 398.5(a) SSL 398.6(f) | | |

out-of-wedlock child shall be relieved from any and all liability for support of such child upon the acceptance by a social services official of the mother's surrender of the guardianship of such child pursuant to the provisions of the Social Services Law. This provision, however, extended only to surrenders to public social services officials and meant that surrenders to private authorized adoption agencies would leave the mother still financially responsible for the care of the child. Chapter 610 of the Laws of 1982 amends paragraph (a) of subdivision 5 of Section 398 of the Social Services Law to add a provision that the acceptance by a private authorized adoption agency of a surrender from the mother of a child born out-of-wedlock shall also relieve the mother from any and all liability for the care of the child.

The effective date of the new provision in Section 398.5(a) is October 1, 1982.

III. PROGRAM IMPLICATIONS

The enactment of Chapter 610 of the Laws of 1982 creates a balance in surrenders of out-of-wedlock children by mothers whether made to a public or private agency. Neither the private authorized adoption agency nor a local social services official may require the mother of a surrendered out-of-wedlock child to make any contribution to the child's care or maintenance or any needed services or treatment.

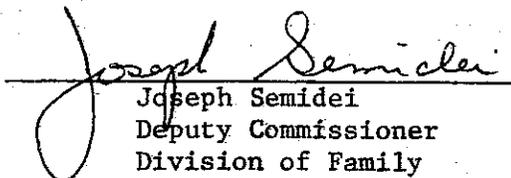
Relieving the mother of an out-of-wedlock child from financial liability for the child does not thereby make such a child a public charge. Surrenders to private authorized adoption agencies are still subject to the provisions of subdivision 2 of Section 384 of the Social Services Law which states that no authorized agency accepting the voluntary surrender of a child shall draw or receive money from public funds except upon the written order or permit of the social services official of the county sought to be charged with the support of such child. This statutory provision is reiterated in subdivision (d) of Section 421.6 of Part 421 of Department regulations which states:

"Voluntary agencies may accept the surrender of a child at their discretion. Acceptance of such surrender without the explicit advance approval of the social services district, in and of itself shall not obligate the social services district to provide support, care or services."

Detailed instructions for the provision of medical assistance to these children are contained in 84-ADM 15 "Medical Assistance for Children Surrendered to Private Authorized Adoption Agencies."

IV. RECOMMENDED ACTION

Local districts are urged to distribute this letter to all child welfare staff, especially adoption staff, all medical assistance staff, and to all authorized agencies which operate adoption programs.


Joseph Semidei
Deputy Commissioner
Division of Family
and Children Services

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