

NEW YORK STATE

DEPARTMENT OF SOCIAL SERVICES

40 NORTH PEARL STREET, ALBANY, NEW YORK 12243

BARBARA B. BLUM  
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.: 81 INF-18  
[Services]

TO: Commissioners of Social Services

SUBJECT: Jurisdiction in Adoption Proceedings

DATE: September 9, 1981

SUGGESTED DISTRIBUTION: Commissioner  
All Child Welfare Staff  
Social Services Attorney  
Voluntary Child Caring Agency Directors  
Adoption Agency Directors

CONTACT PERSON: Any questions concerning this release should be directed to Mr. H. A. Harkess, Office of Policy Planning, Division of Services, phone 1-800-342-3715, extension 4-9574.

I. PURPOSE

The purpose of this release is to inform local districts, attorneys and authorized agencies of the action of the Legislature in Chapter 188, Laws of 1980 to extend to September 1, 1982, the period of concurrent jurisdiction by Family Courts and Surrogate's Courts over adoption proceedings.

II. BACKGROUND

Section 641 of the Family Court Act which grants jurisdiction over adoption proceedings was intended to grant exclusive original jurisdiction over adoption proceedings to the Family Court. At the time of Section 641's enactment, however, certain adoption proceedings could be commenced in Surrogate's Court. In order to insure that these proceedings could be completed, the Legislature provided for a period of concurrent jurisdiction for adoption proceedings to both Family Court and Surrogate's Court. Since the initial enactment, the Legislature has made a number of extensions to the period of concurrent jurisdiction. Chapter 188, Laws of 1980, is the most recent of these extensions, extending to September 1, 1982, the period in which the Surrogate's Court may continue to exercise concurrent jurisdiction over adoption proceedings with the Family Court.

FILING REFERENCES

Previous INFs/ADMs	Dept. Regs.	Social Services Law and Other Legal References	Bulletin/Chapter Reference	Miscellaneous References
78 INF 28		SSL 384-a FCA 641		

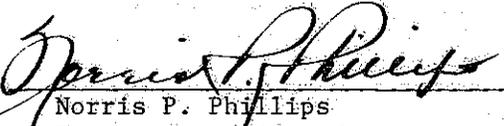
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III. IMPLICATIONS

Adoption proceedings may continue to be brought in either Family Court or Surrogate's Court until September 1, 1982.

IV. RECOMMENDATIONS

While there is a continuing option to initiate an adoption proceeding in either Family Court or Surrogate's Court, adoption proceedings involving adoptive children whose cases already have had involvement in the Family Court should also be brought in Family Court, in order to insure continuity and to make use of the Family Court's existing familiarity with the case.

  
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Norris P. Phillips  
Deputy Commissioner  
DIVISION OF SERVICES