NEW YORK STATE
DEPARTMENT OF SOCIAL SERVICES
40 NORTH PEARL STREET, ALBANY, NEW YORK 12243
Arthur Y. Webb
Acting Commissioner

INFORMATIONAL LETTER

TO: Commissioners of Social Services

SUBJECT: Jurisdiction in Adoption Proceedings

DATE: August 24, 1982

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
Hanna Grossman, Asst. Dir., Policy Development, 800-342-3715,
Ext. 131-8028

I. PURPOSE

The purpose of this release is to inform local districts, social services,
attorneys, and authorized agencies of the action of the Legislature in
Chapter 232, Laws of 1982 to extend to September 1, 1984, 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Section 641 of the Family Court Act which was originally enacted in 1962,
was intended to grant exclusive original jurisdiction over adoption pro-
cceedings to the Family Court. Prior to the enactment of section 641 and to
the present, the surrogate's court also possesses original jurisdiction over
adoption proceedings. Since the initial enactment, the Legislature has made
a number of extensions to the period of concurrent jurisdiction. Chapter
232, Laws of 1982, is the most recent of these extensions, extending to
September 1, 1984, the period in which the Surrogate's Court may continue to
exercise concurrent original jurisdiction over adoption proceedings with the
Family Court.

FILING REFERENCES

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III. IMPLICATIONS

Adoption proceedings may continue to be brought in either Family Court or Surrogate's Court until September 1, 1984.

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.

[Signature]

Morris F. Phillips
Deputy Commissioner
DIVISION OF SERVICES