TO: Commissioners of Social Services

SUBJECT: Jurisdiction in Adoption Proceedings

DATE: February 5, 1985

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. Paul Thompson, Bureau of Policy Planning, Division of Services, phone 1-800-342-3715, extension 4-9433.

I. PURPOSE

The purpose of this release is to inform local districts, attorneys and authorized agencies of the action of the Legislature in Chapter 267 of the Laws of 1984 to extend to September 1, 1986, the 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, adoption proceedings could also be commenced in Surrogate's Court. In order to avoid congestion of adoption proceedings in the Family Court thus causing delays in finalization, the Legislature has provided for the continuation of concurrent jurisdiction in adoption proceedings.

FILING REFERENCES

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Since the initial enactment, the Legislature has made a number of extensions to the period of concurrent jurisdiction. Chapter 267 of the Laws of 1984, is the most recent of these extensions, extending to September 1, 1986, the period in which the Surrogate's Court may continue to exercise concurrent jurisdiction over adoption proceedings with the Family Court.

III. IMPLICATIONS

Adoption proceedings may continue to be brought in either Family Court or Surrogate's Court until September 1, 1986.

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 who already have had involvement in the Family Court through, for example, Article 10 child abuse or neglect proceedings, Section 392 periodic court reviews or Section 384-b termination of parental rights proceedings 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.

Joseph Semidei
Deputy Commissioner
Division of Family and Children Services