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.: 85 INF-12
[Family & Children Services]

TO: Commissioners of Social Services
Directors of Authorized Agencies

SUBJECT: Jurisdiction in Adoption Proceedings

DATE: October 15, 1985

SUGGESTED DISTRIBUTION: Child Welfare Staff
Attorneys in Child Welfare Cases

CONTACT PERSON: Any questions concerning this release should be directed to Mr. Jamie Greenberg, Office of Policy Planning, Division of Services, 1-800-342-3715, Extension 4-9591.

I. Purpose

The purpose of this release is to inform local districts and authorized agencies of the provisions of Chapter 331 of the Laws of 1985 which give the Family Courts original jurisdiction concurrent with the Surrogate's Courts over adoption proceedings.

II. Background

Section 641 of the Family Court Act was initially 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 be commenced in Surrogate's

FILING REFERENCES

Previous INFs/ADMs	Dept. Regs.	Social Services Law and Other Legal References	Bulletin/Chapter Reference	Miscellaneous References
78INF 28 81INF 28 85INF 3		Family Court Act §641 Social Services Law §384 Article 7 of the Domestic Relations Law		

DSS-329 (RL 3/82)

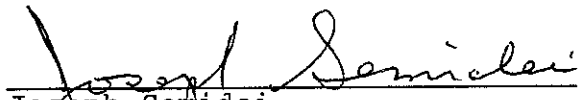
Court. In order to avoid congestion of adoption proceedings in the Family Court, potentially causing delays in finalization, the Legislature has in the past provided for temporary extensions of concurrent jurisdiction in adoption proceedings between the Family Court and the Surrogate's Court. As a result of the enactment of Chapter 331 of the Laws of 1985 there will exist as of September 1, 1985 permanent concurrent jurisdiction over adoption proceedings between the Family Courts and Surrogate's Courts.

III. Implications

Adoption proceedings may be brought in either Family Court or Surrogate's Court.

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 of the Family Court Act (child abuse or neglect proceedings), Section 392 of the Social Services Law (periodic foster care reviews) or Section 384-b of the Social Services Law (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.



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