

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-3
 [Family & Children Services]

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

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

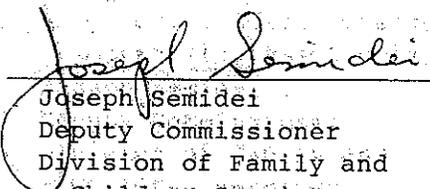
Since the initial enactment, the Legislature has made a number of extensions to the period of concurrent jurisdiction. Chapter 267 of the Laws of 1984, is the most recent of these extensions, extending to September 1, 1986, the period in which the Surrogate's Court may continue to exercise concurrent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