S T A T E O F N E W Y O R K

4646

2009-2010 Regular Sessions

I N A S S E M B L Y

February 5, 2009

Introduced by M. of A. V. LOPEZ -- read once and referred to the Committee on Judiciary

AN ACT to amend the domestic relations law, in relation to voiding of consents to a private-placement adoption due to fraud, duress or coercion

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Subdivision 7 of section 115-b of the domestic relations law, as amended by chapter 312 of the laws of 2002, is amended to read as follows:

7. Nothing contained in this section shall limit or affect the power and authority of the court in an adoption proceeding, pursuant to the provisions of section one hundred sixteen of this title, to remove the child from the home of the adoptive parents, upon the ground that the welfare of the child requires such action, and thereupon to return the child to a birth parent or place the child with an authorized agency, or, in the case of a surrogate, transfer the child to the family court; nor shall this section bar actions or proceedings brought on the ground of fraud, duress or coercion in the execution or inducement of an adoption consent PROVIDED THAT SUCH FRAUD, DURESS OR COERCION WAS PRACTICED BY THE ADOPTIVE PARENTS, THEIR AGENTS OR ANY OTHER PERSON ACTING ON THEIR BEHALF, OR THE ADOPTION AGENCY, ITS AGENTS OR ANY OTHER PERSON ACTING ON ITS BEHALF.

S 2. This act shall take effect on the first of September next succeeding the date on which it shall have become a law.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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