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

5342

2015-2016 Regular Sessions

I N S E N A T E

May 13, 2015

Introduced by Sen. LAVALLE -- read twice and ordered printed, and when printed to be committed to the Committee on Children and Families

AN ACT to amend the domestic relations law, in relation to disclosure of information relating to natural siblings of adopted persons

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

Section 1. The domestic relations law is amended by adding a new section 114-a to read as follows:

S 114-A. RECORDS OF ADOPTED NATURAL SIBLINGS. NOTWITHSTANDING THE FOREGOING OR ANY OTHER INCONSISTENT PROVISIONS OF LAW, A JUSTICE, SURROGATE OR JUDGE OF THE COURT IN WHICH THE ORDER OF ADOPTION WAS MADE SHALL, UPON WRITTEN EX PARTE APPLICATION BY A PERSON AT LEAST TWENTY-ONE YEARS OF AGE WHO, AS A CHILD, HAD BEEN LEGALLY ADOPTED GRANT AN ORDER DIRECTING THE CLERK OF THE COURT WHO IS CUSTODIAN OF THE PAPERS, RECORDS OR FILES PERTAINING TO SUCH ADOPTION TO SUBMIT THEM TO THE COURT FOR PHYSICAL UNSEALING TO PERMIT IN CAMERA REVIEW, BY THE COURT ALONE, OF THE INFORMATION CONTAINED THEREIN ON THE IDENTIFICATION OF THE APPLICANT'S ADOPTED NATURAL SIBLING OR SIBLINGS. PRIOR TO SUCH REVIEW, THE COURT SHALL SEND A LETTER TO THE LAST KNOWN ADDRESSES OF THE ADOPTED NATURAL BROTHERS OR SISTERS OVER TWENTY-ONE YEARS OF AGE OF THE APPLICANT STATING THAT AN ADOPTED NATURAL SIBLING IS ATTEMPTING TO CONTACT THEM. THE LETTER SHALL CONTAIN A METHOD FOR THE ADOPTED NATURAL BROTHER OR SISTER TO CONSENT OR REJECT SUCH CONTACT. THE CONSENT MUST BE RECEIVED BY THE COURT WITHIN ONE HUNDRED TWENTY DAYS IN ORDER TO PROCEED. UPON RECEIVING CONSENT FROM THE NATURAL BROTHER OR SISTER AND THE REVIEW OF THE RECORDS HAVE CONCLUDED THAT DISCLOSURE WOULD NOT IN ANY WAY REVEAL THE NAME OR NAMES OF THE NATURAL PARENT OR PARENTS, THE COURT SHALL DISCLOSE TO THE APPLICANT FOR THE ORDER OF REVIEW THE NAMES AND ALL LAST KNOWN ADDRESSES OF THE NATURAL BROTHERS AND SISTERS OVER THE AGE OF TWENTY-ONE OF THE CHILD WHO WAS ADOPTED, AND THE CLERK OF THE COURT SHALL RESEAL AND RETURN THE PAPERS, RECORDS OR FILES TO THE CLERK

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

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OF THE COURT RE-FILING THEREOF. IF CONTACT HAS BEEN DENIED, THE APPLICANT MAY NOT REAPPLY TO THE COURT TO OBTAIN RECORDS OF THE NATURAL BROTHER OR SISTER WHO EXPLICITLY REJECTED CONTACT. AN APPLICANT MAY REAPPLY, NO SOONER THAN ONE YEAR AFTER THE PREVIOUS APPLICATION, FOR SUCH RECORDS IF THE NATURAL BROTHER OR SISTER DID NOT RESPOND TO THE LETTER OF CONSENT.

S 2. This act shall take effect on the ninetieth day after it shall have become a law.