

STATE OF NEW YORK

7063

2019-2020 Regular Sessions

IN ASSEMBLY

April 4, 2019

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

AN ACT to amend the domestic relations law, in relation to records of
adopted natural siblings

The People of the State of New York, represented in Senate and Assem-
bly, do enact as follows:

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

3 § 114-a. Records of adopted natural siblings. 1. The term "eligible
4 person" shall mean a person who is (a) legally adopted and is at least
5 eighteen years old; or (b) the non-adopted natural sibling or half-si-
6 bling of a person who was legally adopted who is at least eighteen years
7 old.

8 2. Notwithstanding the foregoing any other inconsistent provisions of
9 law, a justice, surrogate or judge of the court in which the order of
10 adoption was made shall, upon written ex parte application by an eligi-
11 ble person, grant an order directing the clerk of the court who is
12 custodian of the papers, records or files pertaining to such adoption to
13 submit them to the court for physical unsealing to permit in camera
14 review, by the court, of the information contained therein on the iden-
15 tification of the applicant's adopted or natural sibling or half-sibling
16 or siblings. If the court finds no records related to the request in the
17 application, the court shall inform the eligible person that no records
18 pertaining to the request could be found.

19 3. If the court finds records related to the application, prior to the
20 release of such records, the court shall send a letter to the last known
21 addresses of the person or persons whom the application is requesting
22 records of, stating that an eligible person has requested records
23 related to the identity of any sibling or siblings. The letter shall
24 contain a method for the contacted party to consent or reject such
25 release of records. The contacted party shall be provided one hundred

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

LBD10736-01-9

1 twenty days to respond to the court's letter either consenting to or
2 denying the release of such records.

3 4. Upon receiving consent from the contacted party, the court shall
4 release the records to the applicant, provided that the disclosure of
5 such records would not in any way reveal the name or names of the
6 natural parent or parents. Following the release of the records, the
7 clerk of the court shall reseal and return the papers, records or files
8 to the clerk of the court re-filing thereof.

9 5. If the release of records has been denied, the court shall inform
10 the applicant that the contacted party requested that the records not be
11 released.

12 6. If the contacted party fails to respond to the court's letter with-
13 in one hundred twenty days, the court may release such records to the
14 applicant. A court shall deny the application if they find that the
15 release of such records without explicit consent from the contacted
16 party would (a) contain the identity of a person under eighteen years
17 old, or (b) would endanger the contacted party's life or cause harm to
18 another person.

19 7. Nothing in this section shall be construed to limit access to
20 records that are otherwise available under law.

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