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 Assembly, do enact as follows:

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

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

2. Notwithstanding the foregoing 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 an eligible person, 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, of the information contained therein on the identification of the applicant's adopted or natural sibling or half-sibling or siblings. If the court finds no records related to the request in the application, the court shall inform the eligible person that no records pertaining to the request could be found.

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

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

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

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

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

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

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