

STATE OF NEW YORK

9008

IN SENATE

April 9, 2024

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

AN ACT to amend the social services law, in relation to payments of
certain expenses by adoptive parents

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

1 Section 1. Subdivision 6 of section 374 of the social services law, as
2 amended by chapter 305 of the laws of 2008, is amended to read as
3 follows:

4 6. (a) An authorized agency, as defined in paragraphs (a) and (c) of
5 subdivision ten of section three hundred seventy-one of this title, may
6 charge or accept a fee or other compensation to or from a person or
7 persons with whom it has placed out a child, for the reasonable and
8 necessary expenses of such placement; and no agency, association, corpo-
9 ration, institution, society or organization, except such an authorized
10 agency, and no person may or shall request, accept or receive any
11 compensation or thing of value, directly or indirectly, in connection
12 with the placing out or adoption of a child or for assisting a birth
13 parent, relative or guardian of a child in arranging for the placement
14 of the child for the purpose of adoption; and no person may or shall pay
15 or give to any person or to any agency, association, corporation, insti-
16 tution, society or organization, except such an authorized agency, any
17 compensation or thing of value in connection with the placing out or
18 adoption of a child or for assisting a birth parent, relative or guardi-
19 an of a child in arranging for the placement of the child for the
20 purpose of adoption. The prohibition set forth in this section applies
21 to any adoptive placement activity involving a child born in New York
22 state or brought into this state or involving a New York resident seek-
23 ing to bring a child into New York state for the purpose of adoption.

24 (b) This subdivision shall not be construed to prevent the payment of
25 salaries or other compensation by an authorized agency to the officers
26 or employees thereof; nor shall it be construed to prevent the payment
27 by a person with whom a child has been placed out of reasonable and

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

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1 actual medical fees or hospital charges for services rendered in
2 connection with the birth of such child or of other necessary expenses
3 incurred by the birth mother in connection with or as a result of her
4 pregnancy or the birth of the child, or of reasonable and actual nurs-
5 ing, medical or hospital fees for the care of such child, if such
6 payment is made to the physician, nurse or hospital who or which
7 rendered the services or to the birth mother of the child, or to prevent
8 the receipt of such payment by such physician, nurse, hospital or birth
9 mother. This subdivision shall not be construed to prevent the payment
10 by an adoptive parent, as defined in section one hundred nine of the
11 domestic relations law, of the birth mother's reasonable and actual
12 expenses for housing, maternity clothing, clothing for the child and
13 transportation for a reasonable period not to exceed [~~sixty~~] one hundred
14 eighty days prior to the birth and the later of [~~thirty~~] forty-five days
15 after the birth or [~~thirty~~] forty-five days after the parental consent
16 to the adoption, unless a court determines, in writing, that exceptional
17 circumstances exist which require the payment of the birth mother's
18 expenses beyond the time periods stated in this sentence. This subdivi-
19 sion shall not be construed to prevent the payment by an adoptive
20 parent, as defined in section one hundred nine of the domestic relations
21 law, of reasonable and actual legal fees charged for consultation and
22 legal advice, preparation of papers and representation and other legal
23 services rendered in connection with an adoption proceeding or of neces-
24 sary disbursements incurred for or in an adoption proceeding. No attor-
25 ney or law firm shall serve as the attorney for, or provide any legal
26 services to both the birth parent and adoptive parent in regard to the
27 placing out of a child for adoption or in an adoption proceeding. No
28 attorney or law firm shall serve as the attorney for, or provide any
29 legal services to, both an authorized agency and adoptive parent or both
30 an authorized agency and birth parent where the authorized agency
31 provides adoption services to such birth parent or adoptive parent,
32 where the authorized agency provides foster care for the child, or where
33 the authorized agency is directly or indirectly involved in the placing
34 out of such child for adoption.

35 § 2. This act shall take effect on the thirtieth day after it shall
36 have become a law. Effective immediately, the addition, amendment and/or
37 repeal of any rule or regulation necessary for the implementation of
38 this act on its effective date are authorized to be made and completed
39 on or before such effective date.