

STATE OF NEW YORK

5737

2025-2026 Regular Sessions

IN SENATE

February 28, 2025

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.

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

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1 **(b)** This subdivision shall not be construed to prevent the payment of
2 salaries or other compensation by an authorized agency to the officers
3 or employees thereof; nor shall it be construed to prevent the payment
4 by a person with whom a child has been placed out of reasonable and
5 actual medical fees or hospital charges for services rendered in
6 connection with the birth of such child or of other necessary expenses
7 incurred by the birth mother in connection with or as a result of [~~her~~
8 such birth mother's pregnancy or the birth of the child, or of reason-
9 able and actual nursing, medical or hospital fees for the care of such
10 child, if such payment is made to the physician, nurse or hospital who
11 or which rendered the services or to the birth mother of the child, or
12 to prevent the receipt of such payment by such physician, nurse, hospi-
13 tal or birth mother. This subdivision shall not be construed to prevent
14 the payment by an adoptive parent, as defined in section one hundred
15 nine of the domestic relations law, of the birth mother's reasonable and
16 actual expenses for housing, maternity clothing, clothing for the child
17 and transportation for a reasonable period not to exceed [~~sixty~~ one
18 hundred eighty days prior to the birth and the later of [~~thirty~~ forty-
19 five days after the birth or [~~thirty~~ forty-five days after the parental
20 consent to the adoption, unless a court determines, in writing, that
21 exceptional circumstances exist which require the payment of the birth
22 mother's expenses beyond the time periods stated in this sentence. This
23 subdivision shall not be construed to prevent the payment by an adoptive
24 parent, as defined in section one hundred nine of the domestic relations
25 law, of reasonable and actual legal fees charged for consultation and
26 legal advice, preparation of papers and representation and other legal
27 services rendered in connection with an adoption proceeding or of neces-
28 sary disbursements incurred for or in an adoption proceeding. No attor-
29 ney or law firm shall serve as the attorney for, or provide any legal
30 services to both the birth parent and adoptive parent in regard to the
31 placing out of a child for adoption or in an adoption proceeding. No
32 attorney or law firm shall serve as the attorney for, or provide any
33 legal services to, both an authorized agency and adoptive parent or both
34 an authorized agency and birth parent where the authorized agency
35 provides adoption services to such birth parent or adoptive parent,
36 where the authorized agency provides foster care for the child, or where
37 the authorized agency is directly or indirectly involved in the placing
38 out of such child for adoption.

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