

# STATE OF NEW YORK

5737--A

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 -- recommitted to the Committee on Children and Families in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 Assembly, 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

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

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1 state or brought into this state or involving a New York resident seek-  
2 ing to bring a child into New York state for the purpose of adoption.

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

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