§ 112-b. Post-adoption contact agreements; judicial approval; enforcement. 1. Nothing in this section shall be construed to prohibit the parties to a proceeding under this chapter from entering into an agreement regarding communication with or contact between an adoptive child, adoptive parent or parents and a birth parent or parents and/or the adoptive child's biological siblings or half-siblings.

2. Agreements regarding communication or contact between an adoptive child, adoptive parent or parents, and a birth parent or parents and/or biological siblings or half-siblings of an adoptive child shall not be legally enforceable unless the terms of the agreement are incorporated into a written court order entered in accordance with the provisions of this section. The court shall not incorporate an agreement regarding communication or contact into an order unless the terms and conditions of the agreement have been set forth in writing and consented to in writing by the parties to the agreement, including the attorney representing the adoptive child. The court shall not enter a proposed order unless the court that approved the surrender of the child determined and stated in its order that the communication with or contact between the adoptive child, the prospective adoptive parent or parents and a birth parent or parents and/or biological siblings or half-siblings, as agreed upon and as set forth in the agreement, would be in the adoptive child's best interests. Notwithstanding any other provision of law, a copy of the order entered pursuant to this section incorporating the post-adoption contact agreement shall be given to all parties who have agreed to the terms and conditions of such order.

3. Failure to comply with the terms and conditions of an approved order regarding communication or contact that has been entered by the court pursuant to this section shall not be grounds for setting aside an adoption decree or revocation of written consent to an adoption after that consent has been approved by the court as provided in this section.

4. An order incorporating an agreement regarding communication or contact entered under this section may be enforced by any party to the agreement or the attorney for the child by filing a petition in the family court in the county where the adoption was approved. Such

petition shall have annexed to it a copy of the order approving the agreement regarding communication or contact. The court shall not enforce an order under this section unless it finds that the enforcement is in the child's best interests.

5. If a birth parent has surrendered a child to an authorized agency pursuant to the provisions of section three hundred eighty-three-c or section three hundred eighty-four of the social services law, and if the court before whom the surrender instrument was presented for approval approved an agreement providing for communication or contact pursuant to paragraph (a) of subdivision two of section three hundred eighty-three-c or paragraph (a) of subdivision two of section three hundred eighty-four of the social services law, a copy of the surrender instrument and of the approved agreement shall be annexed to the petition of adoption. The court shall issue an order incorporating the terms and conditions of the approved agreement into the order of adoption. Notwithstanding any other provision of law, a copy of any order entered pursuant to this subdivision shall be given to the parties who approved such agreement.

6. If a surrender instrument executed by a birth parent pursuant to section three hundred eighty-three-c or three hundred eighty-four of the social services law contains terms and conditions that provide for communication with or contact between a child and a birth parent or parents, such terms and conditions shall not be legally enforceable after any adoption approved by a court pursuant to this article unless the court has entered an order pursuant to this section incorporating those terms and conditions into a court ordered adoption agreement.