§ 115. General provisions relating to private-placement adoptions. 1. (a) Except as otherwise provided in this title, private-placement adoptions shall be effected in the same manner as provided in sections one hundred twelve and one hundred fourteen of title two of this article.

(b) A person or persons seeking to commence a private-placement adoption shall, prior to the submission of a petition for such adoption and prior to any transfer of physical custody of an adoptive child, be certified as a qualified adoptive parent or parents by a court of competent jurisdiction pursuant to section one hundred fifteen-d of this title. The provisions of such section may be waived upon the court's own motion or upon the application of any party for good cause shown.

(c) A non-resident person or persons seeking to commence a private-placement adoption of a child present within the state at the time of placement shall, prior to any transfer of physical custody of an adoptive child, make application for certification as a qualified adoptive parent or parents by a court of competent jurisdiction pursuant to section one hundred fifteen-d of this title. Upon application of such person or persons, the court of the county to which the certification petition is properly filed may take or retain jurisdiction of the adoption proceeding. The provisions of this paragraph may be waived upon the court's own motion or upon the application of any party for good cause shown.

2. The proceeding shall be instituted in the county where the adoptive parents reside or, if such adoptive parents do not reside in this state, in the county where the adoptive child resides.

3. The adoptive parents or parent, the adoptive child and all persons whose consent is required by section one hundred eleven of this article must appear for examination before the judge or surrogate of the court where the adoption proceedings are instituted. The judge or surrogate may dispense with the personal appearance of the adoptive child or of an adoptive parent who is on active duty in the armed forces of the United States.

4. The agreement of adoption shall be executed by the adoptive parents

or parent.

5. Where the petition alleges that either or both of the birth parents of the child have been deprived of civil rights or are mentally ill or developmentally disabled, proof shall be submitted that such disability exists at the time of the proposed adoption.

6. The adoptive parent or parents shall also present in an affidavit a description of any change of circumstances since their certification as a qualified adoptive parent or parents, pursuant to section one hundred fifteen-d of this title, which may be relevant and material to such certification.

7. Where the adoptive child is to be adopted upon the consent of some person other than his father or mother, there shall also be presented the affidavit of such person showing how he or she obtained lawful custody of the child.

8. The adoptive parent or parents shall also present an affidavit describing all fees, compensation and other remunerations paid by such parent or parents on account of or incidental to the birth or care of the adoptive child, the pregnancy or care of the adoptive child's mother or the placement or adoption of the child and on account of or incidental to assistance in arrangements for such placement or adoption. The attorney representing the adoptive parents shall also present an affidavit describing all fees, compensation and other remuneration received by him on account of or incidental to the placement or adoption of the child or assistance in arrangements for such placement or adoption.

9. The petition must be verified, the agreement and consents executed and acknowledged, the proof given and the affidavit sworn to by the respective persons before such judge or surrogate; but where the verification, agreement or consent of an adoptive parent, birth parent or person whose consent is necessary to the adoption is duly acknowledged or proved and certified in form sufficient to entitle a conveyance to be recorded in this state, (except that when executed and

acknowledged within the state of New York, no certificate of the county clerk shall be required), such judge or surrogate may grant the order of adoption without the personal appearance of such adoptive parent, birth parent or person. The judge or surrogate may, in his discretion, dispense with the requirement that the adoptive child appear for examination or join in the petition, where otherwise required. In any adoption proceeding where the judge or surrogate shall dispense with the personal appearance of such adoptive parent, birth parent, person whose consent is necessary to the adoption, or adoptive child, the reason therefor must be for good cause shown, and shall be recited in the order of adoption.

10. In all cases where the consents of the persons mentioned in subdivision two, three and four of section one hundred eleven of this article are not required or where the adoptive child is an adult notice of such application shall be served upon such persons as the judge or surrogate may direct.

11. The provisions of title two prohibiting the surname of the child from appearing in the papers, prohibiting disclosure of the surname of the child to the adoptive parents, and requiring a separate application for issuance of a certified copy of an order of adoption prior to the sealing of the papers, requiring the filing of a verified schedule, shall not apply to private-placement adoptions; provided, however, that the facts required to be stated in the verified schedule in an agency adoption shall be set forth in the petition.

12. (a) If the child who is being adopted was placed or brought into New York for the purpose of adoption from a state which is a party to the interstate compact on the placement of children and the provisions of the compact applied to such placements, the petition must contain a statement that the provisions of section three hundred seventy-four-a of the social services law were complied with and where applicable, that the provisions of section three hundred eighty-two of such law were also complied with.

(b) If the child who is being adopted was placed or brought into New York for the purpose of adoption from a state which is not a party to

the interstate compact on the placement of children, the petition, where applicable, must contain a statement that the provisions of section three hundred eighty-two of the social services law were complied with.

13. If the placement of a child into the state of New York is subject to the provisions of sections three hundred seventy-four-a and/or three hundred eighty-two of the social services law, there shall be attached to the petition a copy of the document signed by New York's administrator of the interstate compact on the placement of children or his designee which informs the agency or person who placed the child into the state that such placement complied with the provisions of the compact and/or a copy of the license which is issued pursuant to the provisions of section three hundred eighty-two of the social services law to the person, institution, corporation or agency which placed or brought the child into this state.