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May 11, 2020

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Re: Virtual Finalizations of Adoption Proceedings

Your Honors:

We, the undersigned, are a group of adoption attorneys and other adoption and child-welfare professionals from across New York State, who work with adoptive families, children, child welfare agencies and the court system to protect and advocate for the rights of adoptive children and their families. We submit this letter to urge the New York State Unified Court System to issue an Administrative Order(s) authorizing the virtual finalization of adoptions in New York State Family Courts and Surrogate's Courts in light of the COVID-19 pandemic.

As Your Honors are well aware, only matters which are deemed "essential" proceedings are currently being scheduled for appearances in New York. To date, adoption proceedings have



not been deemed “essential” and have therefore been put on hold by many courts statewide. However, in light of the ability to conduct court proceedings via Skype or other videoconferencing means, it is now possible for courts to conduct adoption finalizations remotely. While we understand that the courts must limit their operations for the time being, it is crucial for courts to start finalizing adoptions, given the massive legal impacts of adoption for adoptive parents and their children.

An adoption establishes a parental relationship between a child and his or her adoptive parents. This parental relationship is critically important, because it carries with it various rights and responsibilities which do not apply pre-adoption. For instance, upon adoption, an adoptive parent acquires the right to make all decisions regarding the care and custody of the child; the adoptive parent incurs a legal responsibility to provide financial support for the child; and the child acquires the right to inherit from the adoptive parent(s). Without establishing a legal relationship with their child through adoption, adoptive parent(s) cannot obtain a passport or social security number for their child; they cannot create bank accounts for their child; they cannot obtain citizenship for their child if the child is foreign-born; they cannot appoint a guardian for the child in the event of their death; some adoptive parents have difficulty including the child on their health insurance policy. In short, prior to adoption, the adoptive child is not the legal child of the adoptive parent(s) and, therefore, has none of the rights or privileges attendant to a parent-child relationship.

In addition to the legal significance of adoption, it also carries with it a significant emotional component as well, as it provides closure and permanency for adoptive children and their families which is often long overdue. Adoption also triggers a legal name change for the adoptive child and the issuance of an amended birth certificate, which carries a large amount of significance for any adoptee.

It is possible to address all of these concerns by authorizing courts statewide to conduct adoption finalizations remotely. Certain courts have been successful in applying for “essential” status for certain adoption matters, resulting in a handful of virtual finalizations already occurring across the State. These finalizations which have occurred have been successful and issue-free. There is no legal impediment to finalizing adoptions remotely, as the Domestic Relations Law only requires that the adoptive parent(s) and the adoptive child “appear for examination before a judge or surrogate” (DRL § 112[1]), and that “appearance” can occur via Skype or other videoconference. However, despite having the ability to finalize adoptions remotely, many



adoptions are not being treated as “essential” and are therefore being put on hold. For all of the reasons set forth herein, it is respectfully submitted that this is not necessary, and poses significant legal risks and the potential for considerable prejudice to the rights of adoptive children and adoptive parents across the State. As such, we urge you to authorize the virtual finalization of adoptions all across New York State as soon as possible.

Please contact the President of our organization, Kathleen (“Casey”) Copps DiPaola, at **518-436-4170**, or by email at kdipaola@theCDSLAWFirm.com to discuss this matter in greater detail. Thank you for your time and attention.

Kathleen (“Casey”) Copps DiPaola

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