

# NYA AFF

New York Attorneys for Adoption & Family Formation



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March 17, 2026

TO: Senate Children and Families Committee  
Committee Chair: Jabari Brisport ([brisport@nysenate.gov](mailto:brisport@nysenate.gov))  
Sponsor: Senator Roxanne J. Persaud ([persaud@nysenate.gov](mailto:persaud@nysenate.gov))

**Re: S7920 – Relates to dispositional alternatives for children placed with local social services agencies as destitute minors.**

Dear Sir/Madam:

We, the undersigned, are a group of adoption and assisted reproduction law 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.

This letter is respectfully submitted in support of Senate Bill S7920 to amend the New York State family court act and social services law to allow the court to free children for adoption in circumstances where their biological parents are deceased and/or otherwise not entitled to withhold consent to their adoption.

Under current law, if the court finds that a child is “destitute” (meaning, they have no parent who is able to care for them), the court shall schedule a dispositional hearing and may either: continue the child’s placement in foster care or grant custody of the child to a relative or other suitable person. Importantly, the law does not currently allow for the court to free the child for adoption as a dispositional alternative, even if the child’s parents are deceased or unknown. As a result, if there is no relative able to take custody of the child, many courts require that an agency



commence a termination of parental rights proceeding in order to formally free the child for adoption, even if the child's parents are deceased or unknown. Clearly, bringing a proceeding to terminate the parental rights of deceased or unknown individuals is a needless exercise and only serves to further delay permanency for the child, as well as unnecessarily and inefficiently using precious court time of an already overburdened family court.

The proposed bill would allow New York courts to free children for adoption and authorize the foster care agency to consent to the adoption in cases where both of the child's parents are deceased or where one parent is deceased and the other is not legally entitled to notice of and/or to withhold consent to the child's adoption. This commonsense amendment would allow destitute children to be freed for adoption more quickly, thereby expediting the already lengthy permanency process and allowing them to be legally adopted into loving, permanent, adoptive homes. This would undoubtedly benefit these adoptive children, but would also benefit foster parents, foster care agencies and the family court system, by alleviating unnecessary delays and additional court proceedings.

We encourage your offices to support this important piece of legislation. Please contact the Presidents of our organization, Rebecca L. Mendel and/or Laurie B. Goldheim ([rmendel@lawrsm.com](mailto:rmendel@lawrsm.com), [lgoldheim@adoptionrights.com](mailto:lgoldheim@adoptionrights.com)) to discuss how NYAAFF can be involved in this important conversation. Thank you for your time and attention.

*Rebecca L. Mendel & Laurie B. Goldheim*

**New York Attorneys for Adoption & Family Formation**

By: Rebecca L. Mendel, Esq.  
Laurie B. Goldheim, Esq.  
*Co-Presidents*

