



**2009 REPORT TO THE GOVERNOR AND THE**  
**LEGISLATURE, PURSUANT TO SECTION 112-A (3)**  
**OF THE DOMESTIC RELATIONS LAW, CONCERNING EXPEDITED**  
**CALENDARING OF ADOPTION PROCEEDINGS**

**HON. ANN PFAU**

**Chief Administrative Judge**

**January, 2010**

## INTRODUCTION

This report is submitted by the Chief Administrative Judge pursuant to chapter 294 of the Laws of 1993, which added Section 112-a to the Domestic Relations Law. Chapter 294, effective September 19, 1993, required the Chief Administrator of the Courts to promulgate court rules to expedite the calendaring and disposition of authorized agency adoptions in Family and Surrogate's Courts and to submit annual reports to the Governor and Legislature regarding the implementation and impact of the rules. This report documents implementation of the rules in the Family and Surrogate's Courts for the calendar year 2009.<sup>1</sup>

## SUMMARY OF THE PROVISIONS OF SECTION 112-A OF THE DOMESTIC RELATIONS LAW AND IMPLEMENTING COURT RULES

In an effort to expedite adoptions filed by authorized agencies, the Legislature, in Chapter 294 of the Laws of 1993, added a new Section 112-a to the Domestic Relations Law. That section provides that an adoption proceeding is deemed "filed" upon receipt by the Clerk of the Surrogate's or Family Court of the documents required by statute and court rule,<sup>2</sup> as well as an "affidavit of readiness" from the petitioning agency's attorney. D.R.L. §112-a(1).

Once these documents are filed, the Surrogate's or Family Court is required to schedule the proceeding for a "review...to determine if there is adequate basis for approving the adoption." D.R.L. §112-a(2). If an adequate basis is found, the Court is required to direct the appearance of the adoptive parents and child for approval of the adoption; if not, the Court "shall direct such

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<sup>1</sup> Data covers the 13 terms of 2009, starting on January 4, 2009 and ending on January 3, 2010.

<sup>2</sup> Domestic Relations Law §§112(2), (3), (5) and (7), as implemented in Section 207.55 of the *Uniform Rules of the Surrogate's Court* and Section 205.53 of the *Uniform Rules for the Family Court*, set forth the documents required to be submitted in an adoption proceeding, in addition to the affidavit of readiness required by Domestic Relations Law §112-a(1).

further hearings, submissions or appearances as may be required, and the proceedings shall be adjourned as required for such purposes." D.R.L. §§112-a(2)(a),(b). The review, appearances for approval of the adoption and any adjournments for further hearings, submissions or reviews are required to take place within time frames established by court rules. D.R.L. §112-a(3). The Chief Administrator is required to report annually to the Governor and Legislature "on the implementation of such rules and their impact upon adoptions from authorized agencies." *Id.*

This legislation was part of a broader initiative to encourage and expedite the adoption of children by foster parents with whom they have formed bonds. Chapter 294 of the Laws of 1993 also amended Sections 383-c and 384-b of the Social Service Law to require attorneys for authorized agencies to notify prospective adoptive parents promptly of their rights to commence adoption proceedings upon court approval of voluntary surrenders of children and transfers of guardianship and custody through termination of parental rights, respectively. S.S.L. §§383-c(8), 384-b(10). The agencies are directed to advise prospective adoptive parents of the procedures for adoption and cooperate "in the provision of necessary documentation." *Id.* The vast majority of prospective adoptive parents approved by authorized agencies for the adoption of children -- generally more than 90% -- are caring for such children as foster parents.

The Chief Administrative Judge promulgated rules for the Family and Surrogate's Court to implement Chapter 294, effective September 22, 1993, which generally establish a 90-day time frame for completion of authorized agency adoptions, absent adjournments for extenuating circumstances. Section 205.59 of the *Uniform Rules for the Family Court* and Section 207.62 of the *Uniform Rules for the Surrogate's Court* require that the initial review by the court to determine the adequacy of the petition and required documentation, including the affidavit of readiness, shall occur within 60 days of the filing of the documents. If the documentation is deemed adequate and the petition is deemed ready for approval, the court is directed to schedule the appearance of the

adoptive parent(s) and child within 30 days of the review. If the petition is not ready for finalization, the court must specify what further hearings, submissions or appearances are necessary and adjourn the proceedings "as required for such purposes." 22 N.Y.C.R.R. §§205.59, 207.62.

### **SURVEY OF FAMILY AND SURROGATE'S COURT PRACTICES**

The experience of the Family and Surrogate's Courts in 2009 once again underscored the effectiveness of the calendaring rules in assuring timely completion of adoptions once the required documentation has been filed. As summarized below, a survey of Family and Surrogate's Courts in all 12 Judicial Districts revealed no problems in judicial compliance with the rules, although some problems persist with respect to incomplete filings by attorneys for prospective adoptive parents and agencies,<sup>3</sup> as well as delays occasioned by the need to obtain up-to-date criminal history, medical and child abuse registry information. As summarized in the following chart, 2318 agency adoption petitions were filed and 2189 were finalized during the 13 terms of calendar year 2009 in Family and Surrogate's Courts statewide, of which 100 % were in compliance with the requirement that agency adoption filings be reviewed within 60 days; 60% of the finalized petitions were able to be completed within 30 days of the review and only 27 % of the adoptions finalized had been pending in excess of 90 days prior to finalization.

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<sup>3</sup> The Unified Court System has attempted to minimize these delays by posting the adoption forms on the Internet ([www.nycourts.gov](http://www.nycourts.gov)) and, through its Court Improvement Project in conjunction with Chief Judge Kaye's "Permanency Now" project, by publishing and conducting training regarding the newly revised *Lawyers' Guide to Adoption* (2009).

**Expedited Adoptions Report: Terms 1-13, 2009 (Jan. 4, 2009 - Jan. 3, 2010)  
SUMMARY: ALL DISTRICTS**

| <b>DISTRICT</b>             | <b>#Agency Adoptions Filed</b> | <b>#Agency Adoptions Finalized</b> | <b># Agency Adoptions Reviewed by Court Staff Within 60 Days of Filing</b> | <b># Agency Adoptions Finalized Within 30 Days of Staff Review</b> | <b># Agency Adoption Finalizations Delayed Beyond 90 Days From Filing Due to Missing Documentation*</b> |
|-----------------------------|--------------------------------|------------------------------------|--|--|---|
| <b>NYC: 1, 2, 11 AND 12</b> | <b>1067</b>                    | <b>983</b>                         | <b>1065</b>  | <b>633</b>   | <b>348</b>  |
| <b>THIRD</b>                | <b>160</b>                     | <b>139</b>                         | <b>160</b>   | <b>70</b>  | <b>41</b>   |
| <b>FOURTH</b>               | <b>114</b>                     | <b>111</b>                         | <b>119</b>   | <b>54</b>  | <b>18</b>   |
| <b>FIFTH</b>                | <b>153</b>                     | <b>143</b>                         | <b>154</b>   | <b>117</b>   | <b>21</b>   |
| <b>SIXTH</b>                | <b>162</b>                     | <b>153</b>                         | <b>163</b>   | <b>121</b>   | <b>19</b>   |
| <b>SEVENTH</b>              | <b>145</b>                     | <b>154</b>                         | <b>143</b>   | <b>38</b>  | <b>19</b>   |
| <b>EIGHTH</b>               | <b>224</b>                     | <b>231</b>                         | <b>224</b>   | <b>108</b>   | <b>49</b>   |
| <b>NINTH</b>                | <b>175</b>                     | <b>160</b>                         | <b>177</b>   | <b>81</b>  | <b>40</b>   |
| <b>TENTH</b>                | <b>118</b>                     | <b>115</b>                         | <b>118</b>   | <b>75</b>  | <b>34</b>   |
| <b><u>TOTAL</u></b>         | <b>2318</b>                    | <b>2189</b>                        | <b>2323</b>  | <b>1297</b>  | <b>589</b>  |

**Expedited Adoptions Report: Terms 1-13, 2009 (Jan. 4, 2009 - Jan. 3, 2010)**  
**Judicial District: New York City (1<sup>st</sup>, 2<sup>nd</sup>, 11<sup>th</sup> + 12<sup>th</sup> Jud. Districts)**

| <b>COUNTY</b>                                     | <b>#Agency Adoptions Filed</b> | <b>#Agency Adoptions Finalized</b> | <b># Agency Adoptions Reviewed by Court Staff Within 60 Days of Filing</b> | <b># Agency Adoptions Finalized Within 30 Days of Staff Review</b> | <b># Agency Adoption Finalizations Delayed Beyond 90 Days From Filing Due to Missing Documentation*</b> |
|---|--------------------------------|------------------------------------|--|--|---|
| <b><u>Bronx County</u><br/>Family Surrogate's</b> | <b>367<br/>0</b>               | <b>344<br/>0</b>                   | <b>367<br/>0</b>   | <b>258<br/>0</b>   | <b>86<br/>0</b>   |
| <b><u>Kings Co.</u><br/>Family Surrogate's</b>    | <b>215<br/>0</b>               | <b>230<br/>0</b>                   | <b>215<br/>0</b>   | <b>166<br/>0</b>   | <b>64<br/>0</b>   |
| <b><u>NY County</u><br/>Family Surrogate's</b>    | <b>270<br/>5</b>               | <b>228<br/>10</b>                  | <b>270<br/>3</b>   | <b>103<br/>0</b>   | <b>125<br/>8</b>  |
| <b><u>Queens Co.</u><br/>Family Surrogate's</b>   | <b>184<br/>0</b>               | <b>147<br/>0</b>                   | <b>184<br/>0</b>   | <b>85<br/>0</b>  | <b>62<br/>0</b>   |
| <b><u>Richmond Co.</u><br/>Family Surrogate's</b> | <b>26<br/>0</b>                | <b>24<br/>0</b>                    | <b>26<br/>0</b>  | <b>21<br/>0</b>  | <b>3<br/>0</b>  |
| <b>TOTAL: NYC</b>                                 | <b>1067</b>                    | <b>983</b>                         | <b>1065</b>  | <b>633</b>   | <b>348</b>  |

\* **Most frequent reason(s) for delay in finalizing adoption:** Delays in submission of Affidavit of No Appeal, Subsidized adoption approval, Supplemental Documents, Agreement to be Heard by Judicial Hearing Officer or Referee, Surrenders or Judicial Consents and Verified Schedules.

**Snapshot District-wide [Agency Adoptions Pending as of Jan.3 2010]: 381**

**Adoption Initiatives:** In 2009, NYC Family Court representatives regularly met with the State Office of Children and Family Services, the NYC Administration for Children's Services (ACS), and representatives of adoption agencies to review all pending adoptions in an effort to expedite any delayed cases. The Administrative Judge established an adoption committee of her permanent advisory council to advise her on adoption issues. In conjunction with National Adoption Day in mid-November, 2009, the New York City Family Court convened a full Adoption Week by convening a celebratory Adoption Day in each Family Court in which a total of 121 adoptions were finalized. Additionally, the ACS Heart Gallery, a traveling exhibit of photographs of children available for adoption, followed an ambitious schedule in 2009.

**Expedited Adoptions Report: Terms 1-13, 2009 (Jan. 4, 2009 - Jan. 3, 2010)  
Third Judicial District**

| <b>COUNTY</b>                                  | <b>#Agency Adoptions Filed</b> | <b>#Agency Adoptions Finalized</b> | <b># Agency Adoptions Reviewed by Court Staff Within 60 Days of Filing</b> | <b># Agency Adoptions Finalized Within 30 Days of Staff Review</b> | <b># Agency Adoption Finalizations Delayed Beyond 90 Days From Filing Due to Missing Documentation*</b> |
|--|--------------------------------|------------------------------------|--|--|---|
| <u>Albany Co.</u><br>Family<br>Surrogate's     | 51<br>1                        | 52<br>1                            | 51<br>1  | 52<br>0  | 0<br>1  |
| <u>Columbia Co.</u><br>Family<br>Surrogate's   | 18<br>0                        | 17<br>0                            | 18<br>0  | 1<br>0   | 16<br>0   |
| <u>Greene Co.</u><br>Family<br>Surrogate's     | 6<br>0                         | 5<br>0                             | 6<br>0   | 6<br>0   | 0<br>0  |
| <u>Rensselaer Co.</u><br>Family<br>Surrogate's | 2<br>30                        | 2<br>20                            | 2<br>30  | 0<br>3   | 0<br>3  |
| <u>Schoharie Co.</u><br>Family<br>Surrogate's  | 2<br>30                        | 2<br>20                            | 2<br>30  | 0<br>3   | 0<br>3  |
| <u>Sullivan Co.</u><br>Family<br>Surrogate's   | 3<br>0                         | 6<br>0                             | 3<br>0   | 3<br>0   | 3<br>0  |
| <u>Ulster Co.</u><br>Family<br>Surrogate's     | 16<br>1                        | 13<br>1                            | 16<br>1  | 2<br>0   | 14<br>1   |
| <b>TOTAL</b>                                   | <b>160</b>                     | <b>139</b>                         | <b>160</b>   | <b>70</b>  | <b>41</b>   |

\* **Most frequent reason(s) for delay in finalizing adoption [specify, e.g., delay in receiving criminal history, child abuse registry or home study or other reason]:** Delays by attorneys in submission of documents, including necessary information on birth parents.

**Snapshot District-wide [Agency Adoptions Pending as of Jan. 3, 2010]:** Eight (8) : Rensselaer County

**Adoption Initiatives:**

--Albany and Ulster Counties convened Adoption Days and the Ulster County Department of Social Services set up its annual Heart Gallery. Albany County staff conducted meetings every six weeks with the Albany County Department for Children, Youth and Families to resolve problems causing delays. Rensselaer County Family Court has followed a practice of calendaring all pending adoptions for 30 day reviews and follow up.

**Expedited Adoptions Report: Terms 1-13, 2009 (Jan. 4, 2009 - Jan. 3, 2010)  
Fourth Judicial District**

| COUNTY                  | #Agency Adoptions Filed | #Agency Adoptions Finalized | # Agency Adoptions Reviewed by Court Staff Within 60 Days of Filing | # Agency Adoptions Finalized Within 30 Days of Staff Review | # Agency Adoption Finalizations Delayed Beyond 90 Days From Filing Due to Missing Documentation* |
|-------------------------|-------------------------|-----------------------------|---|---|--|
| <u>Clinton Co.</u>      |                         |                             |   |   |  |
| Family                  | 19                      | 23                          | 23  | 23  | 4  |
| Surrogate's             | 0                       | 0                           | 0   | 0   | 0  |
| <u>Essex Co.</u>        |                         |                             |   |   |  |
| Family                  | 1                       | 1                           | 1   | 0   | 0  |
| Surrogate's             | 0                       | 0                           | 0   | 0   | 0  |
| <u>Franklin Co.</u>     |                         |                             |   |   |  |
| Family                  | 0                       | 0                           | 0   | 0   | 0  |
| Surrogate's             | 9                       | 8                           | 11  | 8   | 2  |
| <u>Fulton Co.</u>       |                         |                             |   |   |  |
| Family                  | 4                       | 4                           | 4   | 2   | 4  |
| Surrogate's             | 0                       | 0                           | 0   | 0   | 0  |
| <u>Hamilton Co.</u>     |                         |                             |   |   |  |
| Family                  | 0                       | 0                           | 0   | 0   | 0  |
| Surrogate's             | 0                       | 0                           | 0   | 0   | 0  |
| <u>Montgomery Co.</u>   |                         |                             |   |   |  |
| Family                  | 0                       | 0                           | 0   | 0   | 0  |
| Surrogate's             | 0                       | 0                           | 0   | 0   | 0  |
| <u>St. Lawrence Co.</u> |                         |                             |   |   |  |
| Family                  | 15                      | 15                          | 15  | 15  | 0  |
| Surrogate's             | 2                       | 2                           | 2   | 2   | 0  |
| <u>Saratoga Co.</u>     |                         |                             |   |   |  |
| Family                  | 31                      | 30                          | 31  | 0   | 3  |
| Surrogate's             | 0                       | 0                           | 0   | 0   | 0  |
| <u>Schenectady Co.</u>  |                         |                             |   |   |  |
| Family                  | 20                      | 14                          | 20  | 1   | 7  |
| Surrogate's             | 1                       | 1                           | 0   | 0   | 0  |
| <u>Warren Co.</u>       |                         |                             |   |   |  |
| Family                  | 9                       | 10                          | 9   | 2   | 2  |
| Surrogate's             | 0                       | 0                           | 0   | 0   | 0  |
| <u>Washington Co.</u>   |                         |                             |   |   |  |
| Family                  | 3                       | 3                           | 3   | 1   | 0  |
| Surrogate's             | 0                       | 0                           | 0   | 0   | 0  |
| <b>TOTAL</b>            | <b>114</b>              | <b>111</b>                  | <b>119</b>  | <b>54</b>   | <b>18</b>  |

\* **Most frequent reason(s) for delay in finalizing adoption** : delayed and incomplete submissions of documents by agencies and attorneys; failures to locate and serve birth fathers; delays of 4-6 weeks in receiving child abuse/neglect registry reports from NYS Office of Children and Family Services; delays in OCFS processing of subsidy applications; scheduling issues for adoptive parents, including coordination with adoption of half-siblings.

**Snapshot District-wide [Agency Adoptions Pending as of Jan. 3, 2010]: 14**

**Adoption Initiatives:** Nineteen adoptions were completed on Adoption Day, including 10 in St. Lawrence County. Attorneys and agencies are contacted regarding document delays and efforts have been made to review files within five days and calendar the cases within 1-2 weeks of document submission. Court staff meets twice per year with NYS OCFS.



**Expedited Adoptions Report: Terms 1-13, 2009 (Jan. 4, 2009 - Jan. 3, 2010)  
Fifth Judicial District**

| <b>COUNTY</b>                  | <b>#Agency Adoptions Filed</b> | <b>#Agency Adoptions Finalized</b> | <b># Agency Adoptions Reviewed by Court Staff Within 60 Days of Filing</b> | <b># Agency Adoptions Finalized Within 30 Days of Staff Review</b> | <b># Agency Adoption Finalizations Delayed Beyond 90 Days From Filing Due to Missing Documentation*</b> |
|--------------------------------|--------------------------------|------------------------------------|--|--|---|
| <u><b>Herkimer County</b></u>  |                                |                                    |  |  |   |
| Family Court                   | 10                             | 11                                 | 10   | 10   | 1   |
| Surrogates Court               | 1                              | 1                                  | 1  | 0  | 0   |
| <u><b>Jefferson County</b></u> |                                |                                    |  |  |   |
| Family Court                   | 30                             | 27                                 | 30   | 25   | 2   |
| Surrogates Court               | 0                              | 0                                  | 0  | 0  | 0   |
| <u><b>Lewis County</b></u>     |                                |                                    |  |  |   |
| Family Court                   | 3                              | 3                                  | 3  | 1  | 0   |
| Surrogates Court               | 0                              | 0                                  | 0  | 0  | 0   |
| <u><b>Oneida County</b></u>    |                                |                                    |  |  |   |
| Family Court                   | 25                             | 21                                 | 25   | 18   | 5   |
| Surrogates Court               | 6                              | 9                                  | 6  | 6  | 0   |
| <u><b>Onondaga County</b></u>  |                                |                                    |  |  |   |
| Family Court                   | 64                             | 60                                 | 64   | 56   | 8   |
| Surrogates Court               | 0                              | 0                                  | 0  | 0  | 0   |
| <u><b>Oswego County</b></u>    |                                |                                    |  |  |   |
| Family Court                   | 14                             | 12                                 | 14   | 1  | 5   |
| Surrogates Court               | 0                              | 0                                  | 0  | 0  | 0   |
| <b>TOTAL</b>                   | <b>153</b>                     | <b>143</b>                         | <b>154</b>   | <b>117</b>   | <b>21</b>   |

\* **Most frequent reason(s) for delay in finalizing adoption:** delays in document submissions by attorneys.

**Snapshot District-Wide [Agency Adoptions Pending as of Jan. 3, 2010]:** Onondaga Co. Family Court: 6; Oswego Co. Family Court: 4 (2 of which are scheduled for finalization on Jan. 14, 2010).

**Adoption Initiatives:** Eleven judges from four counties finalized 51 adoptions during the 10<sup>th</sup> annual Adoption Day ceremony in Onondaga County Family Court, including 32 involving children in foster care. Additionally, Oneida County Surrogate's Court finalized four adoptions on Adoption Day, including three agency adoptions. Onondaga County Family Court planned a day of public awareness for the entire community, including participation by the Heart Gallery and local adoption-related agencies.

**Expedited Adoptions Report: Terms 1-13, 2009 (Jan. 4, 2009 - Jan. 3, 2010)  
Sixth Judicial District**

| <b>COUNTY</b>              | <b>#Agency Adoptions Filed</b> | <b>#Agency Adoptions Finalized</b> | <b># Agency Adoptions Reviewed by Court Staff Within 60 Days of Filing</b> | <b># Agency Adoptions Finalized Within 30 Days of Staff Review</b> | <b># Agency Adoption Finalizations Delayed Beyond 90 Days From Filing Due to Missing Documentation*</b> |
|----------------------------|--------------------------------|------------------------------------|--|--|---|
| <b><u>Broome Co.</u></b>   |                                |                                    |  |  |   |
| Family                     | 52                             | 46                                 | 52   | 30   | 3   |
| Surrogate                  | 0                              | 0                                  | 0  | 0  | 0   |
| <b><u>Chemung Co.</u></b>  |                                |                                    |  |  |   |
| Family                     | 25                             | 29                                 | 29   | 27   | 2   |
| Surrogate                  | 0                              | 0                                  | 0  | 0  | 0   |
| <b><u>Chenango Co.</u></b> |                                |                                    |  |  |   |
| Family                     | 0                              | 0                                  | 0  | 0  | 0   |
| Surrogate                  | 3                              | 3                                  | 3  | 2  | 1   |
| <b><u>Cortland Co.</u></b> |                                |                                    |  |  |   |
| Family                     | 0                              | 0                                  | 0  | 0  | 0   |
| Surrogate                  | 18                             | 22                                 | 18   | 15   | 3   |
| <b><u>Delaware Co.</u></b> |                                |                                    |  |  |   |
| Family                     | 0                              | 0                                  | 0  | 0  | 0   |
| Surrogate                  | 14                             | 13                                 | 14   | 13   | 1   |
| <b><u>Madison Co.</u></b>  |                                |                                    |  |  |   |
| Family                     | 9                              | 9                                  | 9  | 9  | 0   |
| Surrogate                  | 0                              | 0                                  | 0  | 0  | 0   |
| <b><u>Otsego Co.</u></b>   |                                |                                    |  |  |   |
| Family                     | 0                              | 0                                  | 0  | 0  | 0   |
| Surrogate                  | 8                              | 4                                  | 8  | 1  | 3   |
| <b><u>Schuyler Co.</u></b> |                                |                                    |  |  |   |
| Family                     | 0                              | 0                                  | 0  | 0  | 0   |
| Surrogate                  | 3                              | 0                                  | 3  | 0  | 3   |
| <b><u>Tioga Co.</u></b>    |                                |                                    |  |  |   |
| Family                     | 0                              | 0                                  | 0  | 0  | 0   |
| Surrogate                  | 4                              | 1                                  | 1  | 1  | 0   |
| <b><u>Tompkins Co.</u></b> |                                |                                    |  |  |   |
| Family                     | 0                              | 0                                  | 0  | 0  | 0   |
| Surrogate                  | 26                             | 26                                 | 26   | 23   | 3   |
| <b>TOTAL</b>               | <b>162</b>                     | <b>153</b>                         | <b>163</b>   | <b>121</b>   | <b>19</b>   |

\* **Most frequent reason(s) for delay in finalizing adoption:** Criminal history delay due to unreadable prints; agency request for more time; relocation of adoptive parents to another state; pending grandparent visitation; incompletedocuments.

**Snapshot District-wide [Agency Adoptions Pending as of Jan. 3, 2010]:** 28 (Broome Co. Fam. Ct.:7; Cortland Co. Surr. Ct.: 2; Otsego Co. Surr. Ct.: 3; Schuyler Co. Surr. Ct.:3; Tioga Co. Surr. Ct.:3; Tompkins Co. Surr. Ct.: 10)

**Adoption Initiatives:** Fourteen adoptions were finalized on Adoption Day in Chemung and Delaware Counties and Cortland County held an adoptive families party and gave "New Family Certificates" to all those whose adoptions had been finalized within the past year. Otsego County conducted reviews every two weeks or less and sent letters regarding missing documents.

**Expedited Adoptions Report: Terms 1-13, 2009 (Jan. 4, 2009 - Jan. 3, 2010)  
Seventh Judicial District**

| <b>County</b>            | <b>#Agency Adoptions Filed</b> | <b>#Agency Adoptions Finalized</b> | <b># Agency Adoptions Reviewed by Court Staff Within 60 Days of Filing</b> | <b># Agency Adoptions Finalized Within 30 Days of Review</b> | <b># Agency Adoption Finalizations Delayed Beyond 90 Days from Filing Due to Missing Documentation*</b> |
|--------------------------|--------------------------------|------------------------------------|--|--|---|
| <u><b>Cayuga</b></u>     |                                |                                    |  |  |   |
| Family                   | 0                              | 0                                  | 0  | 0  | 0   |
| Surrogate's              | 7                              | 11                                 | 7  | 11   | 0   |
| <u><b>Livingston</b></u> |                                |                                    |  |  |   |
| Family                   | 10                             | 9                                  | 10   | 9  | 0   |
| Surrogate's              | 0                              | 0                                  | 0  | 0  | 0   |
| <u><b>Monroe</b></u>     |                                |                                    |  |  |   |
| Family                   | 85                             | 95                                 | 83   | 2  | 10  |
| Surrogate's              | 16                             | 12                                 | 16   | 0  | 4   |
| <u><b>Ontario</b></u>    |                                |                                    |  |  |   |
| Family                   | 5                              | 9                                  | 5  | 6  | 3   |
| Surrogate's              | 0                              | 0                                  | 0  | 0  | 0   |
| <u><b>Seneca</b></u>     |                                |                                    |  |  |   |
| Family                   | 3                              | 2                                  | 3  | 2  | 0   |
| Surrogate's              | 0                              | 0                                  | 0  | 0  | 0   |
| <u><b>Steuben</b></u>    |                                |                                    |  |  |   |
| Family                   | 14                             | 12                                 | 14   | 6  | 2   |
| Surrogate's              | 0                              | 0                                  | 0  | 0  | 0   |
| <u><b>Wayne</b></u>      |                                |                                    |  |  |   |
| Family                   | 0                              | 0                                  | 0  | 0  | 0   |
| Surrogate's              | 3                              | 2                                  | 3  | 0  | 0   |
| <u><b>Yates</b></u>      |                                |                                    |  |  |   |
| Family                   | 2                              | 2                                  | 2  | 2  | 0   |
| Surrogate's              | 0                              | 0                                  | 0  | 0  | 0   |
| <b>TOTAL</b>             | <b>145</b>                     | <b>154</b>                         | <b>143</b>   | <b>38</b>  | <b>19</b>   |

**Adoptions pending as of Jan. 3, 2010:** 15 (Cayuga Co. Surr.Ct.: 1; Livingston Co. Fam. Ct.1; Monroe Co. Fam.Ct.: 10; Seneca Co. Fam.Ct.:1 , filed Dec., 2009; scheduled for Jan., 2010; Steuben Co. Fam.Ct.: 2)

**Most Frequent Causes of Delay:** home-study, adoptive parent document and child abuse registry delays.

**Special Initiatives:** Monroe and Ontario County Family Courts convened Adoption Days and Steuben County Family Court held a party for families whose adoptions had been finalized during the past year. Additionally, Steuben County Family Court convened regular meetings with Department of Social Services adoption staff.

**Expedited Adoptions Report: Terms 1-13, 2009 (Jan. 4, 2009 - Jan. 3, 2010)  
Eighth Judicial District**

| <b>COUNTY</b>          | <b>#Agency Adoptions Filed</b> | <b>#Agency Adoptions Finalized</b> | <b># Agency Adoptions Reviewed by Court Staff Within 60 Days of Filing</b> | <b># Agency Adoptions Finalized Within 30 Days of Review</b> | <b># Agency Adoption Finalizations Delayed Beyond 90 Days from Filing Due to Missing Documentation*</b> |
|------------------------|--------------------------------|------------------------------------|--|--|---|
| <u>Allegany Co.</u>    |                                |                                    |  |  |   |
| Family                 | 7                              | 7                                  | 7  | 3  | 4   |
| Surrogate's            | 0                              | 0                                  | 0  | 0  | 0   |
| <u>Cattaraugus Co.</u> |                                |                                    |  |  |   |
| Family                 | 12                             | 12                                 | 12   | 12   | 0   |
| Surrogate's            | 0                              | 0                                  | 0  | 0  | 0   |
| <u>Chautauqua Co.</u>  |                                |                                    |  |  |   |
| Family                 | 23                             | 25                                 | 23   | 7  | 4   |
| Surrogate's            | 0                              | 0                                  | 0  | 0  | 0   |
| <u>Erie Co.</u>        |                                |                                    |  |  |   |
| Family                 | 142                            | 145                                | 142  | 59   | 31  |
| Surrogate's            | 0                              | 0                                  | 0  | 0  | 0   |
| <u>Genesee Co.</u>     |                                |                                    |  |  |   |
| Family                 | 5                              | 6                                  | 6  | 6  | 0   |
| Surrogate's            | 0                              | 0                                  | 0  | 0  | 0   |
| <u>Niagara Co.</u>     |                                |                                    |  |  |   |
| Family                 | 20                             | 21                                 | 20   | 12   | 6   |
| Surrogate's            | 0                              | 0                                  | 0  | 0  | 0   |
| <u>Orleans Co.</u>     |                                |                                    |  |  |   |
| Family                 | 5                              | 6                                  | 5  | 0  | 4   |
| Surrogate's            | 0                              | 0                                  | 0  | 0  | 0   |
| <u>Wyoming Co.</u>     |                                |                                    |  |  |   |
| Family                 | 0                              | 0                                  | 0  | 0  | 0   |
| Surrogate's            | 10                             | 9                                  | 9  | 9  | 0   |
| <b>TOTAL</b>           | <b>224</b>                     | <b>231</b>                         | <b>224</b>   | <b>108</b>   | <b>49</b>   |

**Adoptions pending as of Jan. 3, 2010:** Erie. Co. Fam.Ct.: 21; Niagara Co.Fam.Ct.:2; Wyoming Co. Surr. Ct.:2.

**Most Frequent Causes of Delay:** Interstate and attorney document delays; complex immigration issues; pending child protective investigation; delay in receipt of criminal history report.

**Special Initiatives:** Erie County Family Court revised its agency adoption review process so that the agency adoption packet is transferred to a court attorney referee the day of filing. The referee monitors filing of the adoption attorneys' packets and reviews them generally within five days of filing. Erie County Family Court completed 17 adoptions on Adoption Day and has supported county Heart Gallery efforts, including exhibitions in Erie County Supreme Court and at the Buffalo International Airport.

**Expedited Adoptions Report: Terms 1-13, 2009 (Jan. 4, 2009 - Jan. 3, 2010)  
Ninth Judicial District**

| County  | #Agency Adoptions Filed | #Agency Adoptions Finalized | # Agency Adoptions Reviewed by Court Staff Within 60 Days of Filing | # Agency Adoptions Finalized Within 30 Days of Review | # Agency Adoption Finalizations Delayed Beyond 90 Days from Filing Due to Missing Documentation* |
|---|-------------------------|-----------------------------|---|---|--|
| <u>Putnam Co.</u><br>Family<br>Surrogate's      | 5<br>0                  | 5<br>0                      | 5<br>0  | 2<br>0  | 0<br>0   |
| <u>RocklandCo.</u><br>Family<br>Surrogate's     | 23<br>0                 | 28<br>0                     | 23<br>0   | 20<br>0   | 8<br>0   |
| <u>Orange Co.</u><br>Family<br>Surrogate's      | 42<br>0                 | 30<br>0                     | 42<br>0   | 14<br>0   | 16<br>0  |
| <u>Dutchess Co.</u><br>Family<br>Surrogate's    | 18<br>0                 | 20<br>0                     | 20<br>0   | 7<br>0  | 13<br>0  |
| <u>Westchester Co.</u><br>Family<br>Surrogate's | 87<br>0                 | 77<br>0                     | 87<br>0   | 38<br>0   | 3<br>0   |
| <b>TOTAL</b>                                    | <b>175</b>              | <b>160</b>                  | <b>177</b>  | <b>81</b>   | <b>40</b>  |

**Snapshot of pending adoptions as of Jan. 3, 2010:** 4 (Rock. Fam. Ct.); 0 (Putnam Fam.)

**\* Most frequent reason(s) for delay in finalizing adoptions:** Untimely documents, including criminal history information; pending child protective investigations of adoptive homes; ambivalence on the part of adoptive parents and children. .

**Adoption Initiatives:** A record number of 27 adoptions were finalized on Adoption Day in Westchester County Family Court. The Court held a luncheon and provided special entertainment, as well as gift bags, for the children. The Court continued regular communication with the adoption staff in the Westchester County Department of Social Services and its law clerk participated in twice-yearly meetings with the Department and the NYS Office of Children and Family Services to review and resolve issues causing adoption delays. The three cases delayed in excess of 90 days were not DSS cases but involved private agency delays in submitting required documents. Additionally, Putnam County Family Court convened an Adoption Day ceremony at which three adoptions were finalized.

**Expedited Adoptions Report: Terms 1-13, 2009 (Jan. 4, 2009 - Jan. 3, 2010)  
Tenth Judicial District**

| <b>COUNTY</b>   | <b># Agency Adoptions Filed</b> | <b>#Agency Adoptions Finalized</b> | <b># Agency Adoptions Reviewed by Court Staff Within 60 days</b> | <b># Agency Adoptions Finalized Within 30 days of Review</b> | <b># Agency Adoption Finalizations Delayed Beyond 90 Days From Filing Due to Missing Documentation*</b> |
|---|---------------------------------|------------------------------------|--|--|---|
| <b><u>Nassau</u><br/>Family<br/>Surrogate's<sup>4</sup></b> | <b>34<br/>0</b>                 | <b>32<br/>0</b>                    | <b>34<br/>0</b>  | <b>31<br/>0</b>  | <b>0<br/>0</b>  |
| <b><u>Suffolk</u><br/>Family<br/>Surrogate's</b>            | <b>84<br/>0</b>                 | <b>83<br/>0</b>                    | <b>84<br/>0</b>  | <b>44<br/>0</b>  | <b>34<br/>0</b>   |
| <b>TOTAL</b>  | <b>118</b>                      | <b>115</b>                         | <b>118</b>   | <b>75</b>  | <b>34</b>   |

**Agency adoptions pending as of Jan. 3, 2010: 2 (Nassau Fam.)**

**Adoption initiatives:** Nassau County Family Court finalized 18 adoptions on Adoption Day and has met with the Nassau County Department of Social Services periodically to resolve issues and expedite the filing of proper documents, including, among others, surrenders and related documents. Suffolk County Family Court has engaged its Permanency Planning Coordinator to closely monitor agency adoptions, notify attorneys in cases of incomplete or inadequate document submissions, promptly schedule cases for finalization when the documentation is complete and meet periodically with Department of Social Services staff.

**CONCLUSION**

In 2009, the Unified Court System fully complied with the court rules requiring review of agency adoption proceedings within 60 days of filing and was able to complete 60% of the cases within 30 days after the review. Once all documents have been submitted to the courts, cases are promptly calendared for finalization. These successes reflect the judiciary's continued rigorous efforts to realize the goals of the landmark federal and state legislation. Over time, these statutes are expected to expedite the movement of children out of foster care back to their own families, to adoptive homes or to other permanent living arrangements.

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<sup>4</sup> Nassau County Surrogate's Court finalized 18 private adoptions in 2009 but no longer does agency adoptions in light of the enactment of "one family/one judge" legislation.

The intensive inter-agency efforts to bring adoptions to finalization quickly have continued to produce impressive results. As in past years, to the extent that delays have been encountered, these have been related to the persistent problem of failures by petitioners' attorneys and authorized agencies to submit complete documentation at the outset, as required by statute and rule, including clearances from the State Central Register of Child Abuse and Maltreatment, original documents from other states, home studies and criminal history reports from the New York State Division of Criminal Justice Services.

The prompt resolution of children's cases, whether through family reunification, adoption, guardianship or other alternative, remains a priority for the Unified Court System as it implements the Federal and State *Adoption and Safe Families Acts*, the 2005 New York State permanency legislation and the recent Federal *Fostering Connections to Success and Adoption Improvement Act of 2008*. The legacy of Chief Judge Kaye's "Permanency Now" (formerly, "Adoption Now") initiative, inaugurated in late 2002, has been a continued willingness on both a State and local level to collaborate to expedite adoptions of children freed for adoption, the vast majority of whom have not yet had adoption petitions filed on their behalf. This important initiative produced significant results state-wide, both in the short- and long-term, in significantly reducing the pool of children for whom achievement of a permanent stable home has been an elusive goal.

The rapid phases of child development, particularly the inexorable process by which children form vital bonds and attachments with their caretakers, as well as the critical needs of children for stability in their lives, require expeditious movement of children out of the limbo of foster care into permanent homes. In handling cases involving children, the Unified Court System is cognizant of children's unique senses of time; what may appear to be modest delays are magnified in the lives of children. The successful implementation of the legislation and court rules requiring prompt calendaring and completion of adoption proceedings, as outlined in this report, has furthered the goal of expediting these important cases.

January, 2010