

Adoption Law

Tonight's show was all about adoption. Joining us in the studio to help sort through the different types as well as the laws surrounding adoption were family and matrimonial attorney Barbara King, who is a partner at Tully Rinckey PLLC, and Albany adoption attorney Anne Copps.

Anne described adoption for us as the process where a child severs legal ties with their birth family and becomes the legal child of another. There are various types of adoption, but they all fall under one of two categories: domestic or international adoptions. As you would assume, domestic adoptions happen in the United States, while the adoption of a child from say China would be considered international. Domestic adoptions include agency adoptions, with private or public agencies, adult, step parent, and second parent adoptions.

As Anne explained, the laws surrounding the adoption process are very state-specific. For instance, in Florida, a gay or lesbian couple is not allowed to adopt, while in New York, it is perfectly legal. Other things that vary from state-to-state are whether a lawyer is allowed to match a child to an adoptive family (in NY they are not), how much money the adoptive family is allowed to spend on the birth mother and for how long, and also whether adoption records are open or closed after the process is finalized.

In New York, adoption files are sealed and the only way to get into them is to present an affidavit from a doctor saying that the child has a specific medical condition and needs information to get the proper medical treatment. However, in this situation, all you will get is the medical information - no names, no addresses, nothing that would tell you who the parents are. The only ways to possibly find the birth parents are if both parties (child and mother) sign up on the New York State Department of Health Adoption Registry, by hiring a private investigator or conducting an intensive Internet search.

If you need help with the adoption process or have questions about anything we talked about during the show, or perhaps something we didn't cover, give Tully Rinckey a call at 518-218-7100 or visit our site at www.tullylegal.com