

At a Term of the Appellate Division of the Supreme Court in and for the Third Judicial Department, held in the City of Albany, New York, commencing on the 11th day of October, 2022.

PRESENT:

HON. ELIZABETH A. GARRY,
Presiding Justice,
HON. JOHN C. EGAN JR.
HON. MICHAEL C. LYNCH
HON. CHRISTINE M. CLARK
HON. SHARON A.M. AARONS
HON. STAN L. PRITZKER
HON. MOLLY REYNOLDS FITZGERALD
HON. ANDREW G. CERESIA
HON. LISA M. FISHER
HON. EDDIE J. McSHAN,
Associate Justices.

**In the Matter of the Amendment of Part 806 of the Rules
of the Supreme Court, Appellate Division,
Third Judicial Department.**

ORDER

Pursuant to the authority conferred upon this Court, it is

ORDERED that, effective November 15, 2022, Rules of the Supreme Court, Appellate Division, Third Judicial Department, (22 NYCRR) Part 806 is hereby amended as follows:

§ 806.28. Attorney's affidavit in agency and private placement adoptions

(a) Every attorney appearing for an adoptive parent, a natural parent or an adoption agency in an adoption proceeding in the courts within this judicial department, shall, prior to the entry of an adoption decree, file with the Office of Court Administration of the State of New York, and with the court in which the adoption proceeding has been initiated, a signed statement, under oath, setting forth the following information:

- (1) name of attorney;
- (2) association with firm (if any);
- (3) business address;
- (4) telephone number;

- (5) docket number of adoption proceeding;
- (6) court where adoption has been filed;
- (7) the date and terms of every agreement, written or otherwise, between the attorney and the adoptive parents, the natural parents or anyone else on their behalf, pertaining to any compensation or thing of value paid or given or to be paid or given by or on behalf of the adoptive parents or the natural parents, including but not limited to retainer fees;
- (8) the date and amount of any compensation paid or thing of value given, and the amount of total compensation to be paid or thing of value to be given to the attorney by the adoptive parents, the natural parents or by anyone else on account of or incidental to any assistance or service in connection with the proposed adoption;
- (9) a brief statement of the nature of the services rendered;
- (10) the name and address of any other attorney or attorneys who shared in the fees received in connection with the services or to whom any compensation or thing of value was paid or is to be paid, directly or indirectly, by the attorney. The amount of such compensation or thing of value;
- (11) the name and address of any other attorney or attorneys, if known, who received or will receive any compensation or thing of value, directly or indirectly, from the adoptive parents, natural parents, agency or other source, on account of or incidental to any assistance or service in connection with the proposed adoption. The amount of such compensation or thing of value, if known;
- (12) the name and address of any other person, agency, association, corporation, institution, society or organization who received or will receive any compensation or thing of value from the attorney, directly or indirectly, on account of or incidental to any assistance or service in connection with the proposed adoption. The amount of such compensation or thing of value;
- (13) the name and address, if known, of any person, agency, association, corporation, institution, society or organization to whom compensation or thing of value has been paid or given or is to be paid or given by any source for the placing out of, or on account of or incidental to assistance in arrangements for the placement or adoption of the adoptive child. The amount of such compensation or thing of value and the services performed or the purposes for which the payment was made; and
- (14) a brief statement as to the date and manner in which the initial contact occurred between the attorney and the adoptive parents or natural parents with respect to the proposed adoption.

(b) Names or other information likely to identify the natural or adoptive parents or the adoptive child are to be omitted from the information to be supplied in the attorney's statement.

(c) Such statement shall be filed by electronic transmission in a manner directed by the chief administrative judge and approved by the presiding justice of the Appellate Division. ~~may be filed personally by the attorney or his representative at the main office of the Office of Court Administration in the City of New York, and upon such filing he shall receive a date stamped receipt containing the code number assigned to the original so filed. Such statement may also be filed by ordinary mail addressed to: Office of Court Administration—Adoption Affidavits P.O. Box No. 2016 New York, NY 10008~~

(d) All statements filed by attorneys shall be deemed to be confidential, and the information therein contained shall not be divulged or made available for inspection or examination to any person other than the client of the attorney in the adoption proceeding, except upon written order of the presiding justice of the Appellate Division.

DATED AND ENTERED:
November 1, 2022


Hon. Elizabeth A. Garry
Presiding Justice