

**C.G. v City of New York**

2025 NY Slip Op 31708(U)

April 7, 2025

Supreme Court, New York County

Docket Number: Index No. 950275/2021

Judge: Sabrina Kraus

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This opinion is uncorrected and not selected for official publication.

**SUPREME COURT OF THE STATE OF NEW YORK  
NEW YORK COUNTY**

**PRESENT: HON. SABRINA KRAUS** **PART 57M**

*Justice*

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**INDEX NO. 950275/2021**

C. G.,

**MOTION DATE 02/14/2025**

Plaintiff,

**MOTION SEQ. NO. 003**

- v -

CITY OF NEW YORK, THE NEW YORK FOUNDLING,  
SEAMEN'S SOCIETY FOR CHILDREN AND FAMILIES,  
DOES 1-10

**DECISION + ORDER ON  
MOTION**

Defendant.

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The following e-filed documents, listed by NYSCEF document number (Motion 003) 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 58, 59, 62, 63, 64

were read on this motion to/for

RELEASE RECORDS

Plaintiff commenced this action pursuant to the Child Victims Act (CVA) seeking damages for alleged sexual abuse that occurred while she was in foster care.

In approximately 1989, when Plaintiff was approximately five years old, she was placed by Defendants City of New York (City) and The New York Foundling f/k/a The New York Foundling Hospital (Foundling) into the Gnyp-Karlick foster home in Staten Island, New York.

Plaintiff asserts that shortly after being placed in the Gnyp-Karlick foster home, Michael Karlick, Plaintiff's foster father, began sexually abusing Plaintiff. The sexual abuse continued on a regular basis for approximately five years. Karlick's sexual abuse of Plaintiff included, but was not limited to Karlick: kissing Plaintiff, fondling Plaintiff's breasts, fondling Plaintiff's buttocks, and fondling Plaintiff's genitals for Karlick's sexual gratification.

Plaintiff further asserts sexual abuse by her foster brother, Deiter Gnyp, The abuse by Deiter Gnyp began shortly after Plaintiff was placed in the Gnyp home and continued for approximately five years. Deiter Gnyp's sexual abuse of Plaintiff included, but was not limited to

Deiter: fondling Plaintiff's genitals, digitally penetrating Plaintiff's vagina, and penetrating Plaintiff's vagina with objects, including a toothbrush, for Deiter Gny's sexual gratification.

Plaintiff was ultimately adopted by Delores Gynp and because of this some of the foster care records are sealed with the adoption records.

On February 28, 2025, plaintiff moved for an Order to unseal the adoption records.

On March 14, 2025, Foundling cross moved pursuant to CPLR §3103 for a protective order with regard to disclosure of sealed adoption records; or in the alternative pursuant to CPLR §3101, Domestic Relations Law § 114, and/or Social Services Law § 372, directing a hearing and in camera inspection of the subject records; and pursuant to CPLR §3103 and Social Services Law § 372, for a protective order with regard to disclosure of confidential foster care records.

The City takes no position on either motion.

In New York, access to adoption records is governed by Domestic Relations Law § 114 which provides, in pertinent part

No person shall be allowed access to such sealed records and order and any index thereof except upon an order of a judge or surrogate of the court in which the order was made or of a justice of the supreme court... No order for disclosure or access and inspection shall be granted except on good cause shown and on due notice to the adoptive parents and to such additional persons as the court may direct...

The Appellate Division, First Department holds "When a former foster child 'seeks her own records, so that she can further her own suit against the defendant custodian of those records, who would otherwise have unequal access to them,' she is 'presumptively entitled to her own records' (internal citation omitted). *K.B. v SCO Family of Serv.*, 159 A.D.3d 416 (1st Dep't 2018); Social Services Law § 372.

The Court agrees with Plaintiff that good cause has been established as the records may contain evidence that could support the accusations that Michael Karlick and Dieter Gnyp sexually abused Plaintiff and that defendants may have had notice of the sexual abuse.

Although Foundling does not oppose an *in camera* of the records, they do argue that certain procedural defects, such as notice and an opportunity to be heard by the biological parents and adoptive mother, require denial of the motion.

Plaintiff has admittedly not notified interested parties such as the biological parents or adoptive mother. Plaintiff acknowledges she is aware of her biological mother's identity but not her father's and that her adoptive mother is deceased.

Notice to the biological father can be cured, as the parties agree that if the Court was to conduct an *in camera* the identity of the biological father could remain redacted, as it has no bearing on the issues in this action.

As the adoptive mother is deceased, notice does not have to be provided.

The Court hereby directs plaintiff to notify the biological mother with the Court's decision and order and provide her with an opportunity to oppose the unsealing of the adoption records before an *in camera* is conducted.

WHEREFORE, it is hereby

ORDERED Plaintiff's motion to unseal the adoption records and defendant Foundlings cross motion for a protective order are granted to the extent of ordering an *in camera* inspection of the adoption records by the Court; and it is further

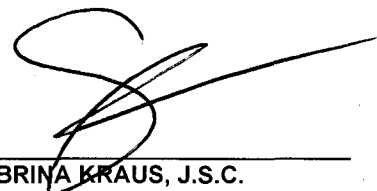
ORDERED plaintiff is to serve a copy of the decision and order with Notice of Entry on her biological mom within 20 days of this order; and it is further

ORDERED the parties are to appear on May 15, 2025, in room 218, at 60 Centre Street, New York, New York, to afford the biological mother an opportunity to be heard on the unsealing of the adoption record and for defendant Foundling to be prepared to turn over to the Court the adoption records, in both redacted and unredacted form, for an *in camera* inspection by the Court; and it is further

ORDERED that, within 20 days from entry of this order, Plaintiff shall serve a copy of this order with notice of entry on the Clerk of the General Clerk's Office (60 Centre Street, Room 119); and it is further

ORDERED that such service upon the Clerk shall be made in accordance with the procedures set forth in the Protocol on Courthouse and County Clerk Procedures for Electronically Filed Cases (accessible at the "E-Filing" page on the court's website at the address [www.nycourts.gov/supctmanh](http://www.nycourts.gov/supctmanh)).

This constitutes the decision and order of the court.



4/7/2025  
DATE

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SABRINA KRAUS, J.S.C.

CHECK ONE:

CASE DISPOSED

NON-FINAL DISPOSITION

GRANTED

DENIED

GRANTED IN PART

OTHER

APPLICATION:

SETTLE ORDER

SUBMIT ORDER

CHECK IF APPROPRIATE:

INCLUDES TRANSFER/REASSIGN

FIDUCIARY APPOINTMENT

REFERENCE