

COPPS DiPAOLA SILVERMAN, PLLC

Kathleen (“Casey”) Copps DiPaola, Esq., *Partner
Lorraine R. Silverman, Esq., Partner
Anne Reynolds Copps, Esq., *Of Counsel
Kayla Molinaro, Esq., Associate
Veronika Grochowalski, Esq., Associate
Joseph R. Williams, Esq., Associate
Rebecca M. Wager, Law Clerk
Mary Scouten, Law Clerk
Shannon M. Wickenden, Paralegal
Christine M. Wilson-Smith, Closing/Paralegal
Jennifer Tromblee, Certified Paralegal
Amy Shake, Paralegal/ Legal Assistant

Copps DiPaola Silverman Recently Completed its Second Three-Parent Adoption!

Copps DiPaola Silverman was recently successful in finalizing a three-parent adoption proceeding, creating new precedent for additional forms of family composition. This is now the second time we have been successful with a three-parent adoption, paving the way for other families to explore this as an option.

In this case, the biological parents were getting divorced and the children’s father elected to surrender his parental rights so that the children could be adopted. The children were adopted by their maternal grandparents, with the biological mother retaining her parental rights, resulting in the children having three legal parents post-adoption.

Under New York State law, a parent cannot adopt his or her own child in order to sever the other parent’s legal relationship, and a parent cannot simply “give up” his or her parental rights to avoid their parental obligations. In other words, a parent’s rights to his or her child cannot be surrendered or dispensed with unless there is someone else ready and willing to adopt the child. Oftentimes, if the custodial parent is remarried or in a new relationship, their new spouse or significant other may seek to adopt the child in a step or second parent adoption. However, if the custodial parent is not remarried or in a new relationship but wishes to sever the other parent’s relationship with the child, they may wish to look to family members or friends to adopt. Under New York State law, a married person cannot adopt without his or her spouse. Therefore, a custodial parent would typically need to find a non-married individual to adopt their child in a second parent adoption proceeding. For many parents, that is not an option. The emerging acceptance of the three-parent adoption provides another alternative for custodial parents: to have the child’s grandparents (or another married couple) adopt the child in place of the child’s other parent.

This is an important tool for anyone who may be going through a divorce or a custody dispute, especially if the non-custodial parent is willing to surrender his or her parental rights to the child. This significantly expands on the pool of candidates who may be eligible to adopt the child, providing for more alternatives for the custodial parent. This is especially important in cases involving domestic violence, as an adoption provides a definitive termination of an abusive parent’s relationship with his or her child, and thereby frees the other parent of all ties to their abusive partner. Providing domestic violence victims with the option of having their parents (or another married couple) adopt their child in place of an abusive ex can be an effective and important tool for protecting victims of domestic violence and their children.

If you or someone you know is considering adoption or otherwise thinking about changing your family composition, please do not hesitate to contact Copps DiPaola Silverman to discuss your options. At Copps DiPaola Silverman we do not believe that the word “family” is able to be specifically defined. We are committed to helping you and your family achieve your objectives, no matter what the composition of your family may be, and to finding creative and effective ways to create and protect families of all kinds.



Attorneys
Casey Copps DiPaola
and Joseph Williams