

EXTRA-JUDICIAL SURRENDER

IMPORTANT: BY SIGNING THIS PAPER YOU ARE GIVING UP YOUR CHILD FOR ADOPTION. YOU HAVE THE RIGHT TO SPEAK WITH AN ATTORNEY BEFORE YOU SIGN.

This certifies that I, _____, residing at _____, City (Town) of _____, County of _____, State of _____, am the (mother) (father) (legal guardian) of _____, born on _____, and I do hereby voluntarily surrender the guardianship and custody for adoption of my (son) (daughter) (ward) to _____, a duly authorized agency.

I understand that before signing this surrender I have the right to speak to a lawyer of my own choosing and any other person I wish; that I have the right to have that lawyer and/or any other person present with me when I sign this surrender; that I have the right to ask the court to appoint a lawyer free of charge if I cannot afford to hire one; and that I have the right to have supportive counseling;

I understand that I am giving up all rights to have custody, visit with, speak with, write to or learn about my child, FOREVER, unless the authorized agency and I have agreed to different terms as written in this surrender, or, if I register with the adoption information register, as specified in section 4138-d of the Public Health Law, that I may be contacted at any time after the child reaches the age of eighteen years, but only if both I and the adult child so choose;

I understand that _____

(Include any additional and/or different terms and conditions, if any, as agreed to by the parties)

I understand that my child will be adopted without my consent and without further notice to me, and will be adopted by any person that the agency chooses, unless this surrender contains the name of the person or persons who will be adopting my child; and

I understand that I cannot be forced to sign this surrender paper, and that I and/or my child cannot be punished or subject to any other penalty if I refuse to sign this surrender paper.

The name and address of the court in which the application for approval of this surrender will be filed is:

Where the surrender contains conditions agreed to by the parties, the following apply:

The authorized agency must notify me, unless I have expressly waived notice by a written statement attached to or included in this instrument, my child's law guardian and the court that approved the surrender within 20 days of any substantial failure of a material (important) condition of the surrender before finalization of my child's adoption; AND

The authorized agency, except for good cause shown, must file a petition on notice to me and my child's law guardian in accordance with either section 392 of the Social Services Law or section 1055-a of the Family Court Act within 30 days of any substantial failure of a material (important) condition of the surrender for the court to review the failure and, where necessary, to hold a hearing. If the authorized agency does not file a petition, I and/or my child's law guardian may file such a petition at any time before my child's adoption; AND

I must provide the authorized agency with a designated mailing address at which I may receive notice regarding any substantial failure of a material (important) condition, unless such a notice is expressly waived by a statement written by me and attached to or included in this instrument. I must also provide the authorized agency with any changes in my mailing address.

This surrender may be revoked within 45 days of my signing the surrender. The revocation of this surrender must be in writing and postmarked or received by the court named above in this surrender within 45 days of my signing the surrender.

This surrender may not be revoked more than 45 days after my signing the surrender if my child has been placed in an adoptive home. If more than 45 days has passed since my signing this surrender and my child has been placed in an adoptive home, this SURRENDER is FINAL and IRREVOCABLE and I cannot revoke this surrender or bring a case in court to revoke this surrender or to regain custody of my child.

I understand that _____, the authorized agency will not notify me when my child is placed in the adoptive home and that I may LOSE ALL RIGHTS at the end of the 45 day period without further notice.

This surrender may be revoked more than 45 days after its signing ONLY if my child has not been placed in an adoptive home and if I deliver or mail a revocation of this surrender to the court named above in this surrender.

THIS SURRENDER WILL BE BINDING WHETHER OR NOT I APPEAR IN COURT

I hereby authorize and empower _____, the authorized agency, to consent to the adoption of my child in my place and stead and with the same force and effect as though I personally gave my consent at the time of the adoption. I waive any notice of the adoption or adoption proceedings, and understand that I will receive no further notice of the adoption or adoption proceedings after I sign this surrender.

I understand that by surrendering my child to the authorized agency, I relinquish and give up all of my parental rights to my child and that the authorized agency is hereby authorized to place my child in an adoptive home or to otherwise assume all parental responsibility for my child. I expressly pledge not to interfere hereafter with the care or management of my child in any way.

SIGNATURE OF PARENT OR GUARDIAN

IN WITNESS WHEREOF, I have hereunto set my hand and seal this ____ day of _____
20 ____ . Signature of Parent or Guardian _____ In the presence of

(WITNESS SIGNATURE) and _____
(WITNESS SIGNATURE)

SECTION A. Acknowledgment of Parent or Guardian

STATE OF NEW YORK)
COUNTY OF) SS.

On this ____ day of _____, 20 _____, before me personally came _____, to me known and known to me to be the person described in and who executed the foregoing instrument, and duly acknowledged that (s)he executed the same.

Notary Public

SECTION B. Acknowledgment of Witness

STATE OF NEW YORK)
COUNTY OF) SS.

On this ____ day of _____, 20 _____, before me personally came _____, to me known, who, being by me duly sworn did depose and say that (s)he resides at _____; that (s)he knows _____, and knew him (her) to be the person described in, and who executed, the foregoing instrument; that (s)he saw the said _____ execute said instrument; and that (s)he thereupon duly subscribed his (her) name as witness thereto.

Notary Public

STATE OF NEW YORK)
COUNTY OF) SS.

On this ____ day of _____, 20 _____, before me personally came _____, to me known, who, being by me duly sworn did depose and say that (s)he resides at _____; that (s)he knows _____, and knew him (her) to be the person described in, and who executed, the foregoing instrument; that (s)he saw the said _____ execute said instrument; and that (s)he thereupon duly subscribed his (her) name as witness thereto.

Notary Public