

Soc. Serv. Law §§ 383-c, 384;  
Family Court Act §1055-a

Form SURR-8  
(Conditional Surrender– Order  
Determining Petition for Review of Substantial  
Failure of Material Condition or Violation of  
Post -Adoption Contact Agreement Prior to  
Adoption Finalization)  
(1/2026)

At a term of the Family Court of the  
State of New York, held in and for the  
County of \_\_\_\_\_,  
at \_\_\_\_\_ New York,  
on \_\_\_\_\_, \_\_\_\_\_.

P R E S E N T:

Hon.  
Judge

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In the Matter of a Conditional  
Surrender Instrument Concerning

Child’s Name:  
Date of Birth:  
CIN #

Docket No.  
ORDER DETERMINING PETITION  
FOR REVIEW OF SUBSTANTIAL  
FAILURE OF MATERIAL CONDITION  
IN CONDITIONAL SURRENDER OR  
VIOLATION OF POST-ADOPTION  
CONTACT AGREEMENT (Prior to  
Adoption Finalization)

Pursuant to Section 383-c 384 of the  
Social Services Law

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The petition of [specify]: \_\_\_\_\_, dated [specify]: \_\_\_\_\_, having been  
filed requesting Court review of the [check applicable box(es)]:  
 failure of a substantial material condition in a  judicial  extra-judicial instrument of surrender,  
approved by this Court on [specify date]: \_\_\_\_\_  
which committed the guardianship of the person and custody of [specify child’s name]:  
a child under the age of 18 years to [specify agency]: \_\_\_\_\_, an authorized agency;  
 violation of a Post-adoption Contact Agreement, approved by this Court on [specify date]: \_\_\_\_\_ and  
incorporated into the Order Approving the Surrender;

[Required where Petitioner is the authorized agency or attorney for the child]:  
And the person executing the surrender having [check applicable box(es)]:  
 been duly served with notice of this proceeding and having  personally appeared  not appeared  
before this Court, and counsel for the person who executed the surrender having  personally  
appeared  not appeared before this Court;  
 waived notification of any substantial failure of a material condition;

[Required where substantial failure of material condition is alleged and Petitioner is the

authorized agency]:

And the petition  having been filed  
 not having been filed within 30 days of the substantial failure of a material condition, but the Petitioner having  shown not shown good cause;

[Required where substantial failure of material condition is alleged and Petitioner is the person who executed the surrender or attorney for the child]:

And the petition  having been filed  not having been filed within 60 days of receipt of notification of the substantial failure of a material condition;

And the authorized agency having guardianship and custody of the child having [check applicable box(es)]  been duly served  not been duly served with notice of this proceeding and having:  appeared  not appeared before this Court, and counsel for the authorized agency having  appeared  not appeared before this Court;

[Required where Petitioner is the authorized agency or person who executed the surrender]:

And the attorney for the child for the child having been duly served with notice of this proceeding and having:  personally appeared  not appeared before this Court;

And the following person(s) having intervened as (an) interested party (parties) [specify, including relationship to child; note that intervenors may proceed in their true names or anonymously. See S.S.L. §§383-c(9), 384(3)]:

**[Required in ALL cases; check applicable boxes and attach General Form GF-32, if applicable]:**

And the Court having inquired as to whether the child may be a Native-American child who may be subject to the *Indian Child Welfare Act of 1978* [25 U.S.C. 1901-1963], subject to the ultimate determination by the tribe or nation, the Court has determined the following:

A.  the Court has reason to believe that the child may be subject to the *Indian Child Welfare Act of 1978* [25 U.S.C. 1901-1963], subject to the ultimate determination by the tribe or nation;

And the following having been duly notified [check applicable box(es)]:

parent/custodian  tribe/nation [REQUIRED]

United States Secretary of the Interior [REQUIRED if tribal contact undetermined];

And the tribe/nation having:  appeared and participated as a party;

appeared and declined to assume jurisdiction;

appeared and requested transfer of jurisdiction, which was  granted  denied;

not appeared;

And the required findings of fact and conclusions of law having been made pursuant to the *Indian Child Welfare Act* and **General Form GF-32** having been attached in an Addendum to this Order.

**OR**

B.  the Court does not have reason to believe that the child may be subject to the *Indian Child Welfare Act of 1978* [25 U.S.C. 1901-1963].

**And the matter having duly come on for a hearing before this Court, and the Court, after hearing the proof and testimony offered in relation to the case, having determined that [check**

applicable box]:

- there has been a [check applicable box]:
- substantial failure of a material condition in the conditional surrender
- violation of the Post-adoption Contact Agreement,  
as follows [specify]:

- there has been no [check applicable box]:
- substantial failure of a material condition in the conditional surrender
- violation of the Post-adoption Contact Agreement;

**NOW THEREFORE, it is**  
ORDERED that [specify]:

ORDERED that [specify]:

ENTER

Dated:

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Judge of the Family Court

PURSUANT TO SECTION 1113 OF THE FAMILY COURT ACT, AN APPEAL FROM THIS ORDER MUST BE TAKEN WITHIN 30 DAYS OF RECEIPT OF THE ORDER BY APPELLANT IN COURT, 35 DAYS FROM THE DATE OF MAILING OR ELECTRONIC TRANSMISSION OF THE ORDER TO APPELLANT BY THE CLERK OF COURT, OR 30 DAYS AFTER SERVICE BY A PARTY OR THE ATTORNEY FOR THE CHILD UPON THE APPELLANT, WHICHEVER IS EARLIEST.

**Check applicable box:**

Order mailed or electronically transmitted on [specify date(s) and to whom sent]:

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Order received in court on [specify date(s) and to whom given]:

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