

EXHIBIT 1

NEW HOPE FAMILY SERVICES, INC.,

Plaintiff,

No.: 5:21-cv-01031-MAD-TWD

vs.

LETITIA JAMES, in her official capacity as New York State Attorney General; **LICHA NYIENDO**, in her official capacity as Commissioner of the New York Division of Human Rights; **MELISSA FRANCO**, in her official capacity as Deputy Commissioner for Enforcement of the New York Division of Human Rights; **GINA MARTINEZ**, in her official capacity as Deputy Commissioner for Regional Affairs of the New York Division of Human Rights; **JULIA DAY**, in her official capacity as Syracuse Regional Director of the New York Division of Human Rights; **WILLIAM FITZPATRICK**, in his official capacity as Onondaga County District Attorney,

DECLARATION OF MARK LIPPELMANN IN SUPPORT OF NEW HOPE FAMILY SERVICES' MOTION FOR PRELIMINARY INJUNCTION

Defendants.

I, MARK LIPPELMANN, hereby declare:

1. I am one of the attorneys for New Hope Family Services, Inc. ("New Hope").
2. Attached as Exhibit A is a true and accurate copy of a letter dated August 23, 2021, from Julia Day, Regional Director of the New York Division of Human Rights, to New Hope, attaching a copy of the discrimination complaint filed against New Hope. To protect the complainant's privacy, I have not included the complainant's home study report which was attached as Exhibit 6 to the discrimination complaint. I have also redacted confidential and personal identifying information contained in that complaint.
3. Attached as Exhibit B is a true and accurate copy of email correspondence between me and Julia Day, Regional Director of the New York Division of Human Rights, dated September 22 and October 4, 2021.

4. Attached as Exhibit C is a true and accurate copy of New Hope's response to the aforementioned discrimination complaint, dated and submitted to the New York Division of Human Rights on October 18, 2021.

5. Attached as Exhibit D is a true and accurate copy of the Second Circuit's November 4, 2019 order granting New Hope an emergency injunction pending appeal in *New Hope Family Services v. Poole*, No. 19-1715 (2d Cir.).

I, Mark Lippelmann, a citizen of the United States and a resident of the State of Arizona, hereby declare under penalty of perjury under 28 U.S.C. § 1746 that the foregoing is true and correct to the best of my knowledge.

Executed this 26th day of October, 2021, at Scottsdale, Arizona.



Mark Lippelmann

EXHIBIT A



Division of
Human Rights

ANDREW M. CUOMO
Governor

LICHA M. NYIENDO
Commissioner

August 23, 2021

New Hope Family Services
Attn: Kathy Jerman, Executive Director
3519 James Street
Syracuse, NY 13206

Re: [REDACTED] v. New Hope Family Services
Case No. 10213155

Enclosed is a copy of a verified complaint filed with the Division of Human Rights against you. This complaint, which alleges an unlawful discriminatory practice in violation of the New York State Human Rights Law, is being served upon you pursuant to Section 297.2 of the Human Rights Law (N.Y. Exec. Law, art. 15).

Please submit a response **in duplicate** to each and every allegation in the complaint, complete the enclosed Respondent Information Sheet, and return the response and Information Sheet to the Division, at the address below, or via e-mail to roc.syr@dhr.ny.gov (see details below), **within fifteen (15) calendar days from the date of this letter**. The response should be a complete statement of Respondent's position. **Any supporting documentation relied upon must be submitted with the response**. The Division will not extend the time for this response, unless good cause is shown in a written application, which must be submitted at least five (5) calendar days prior to the time the response is due. **Please note: Requests for reasonable extensions of time that are shown to be necessary due to circumstances resulting from the COVID-19 pandemic will be granted.**

Instructions for submission by email: A response submitted by email must include the completed Respondent Information Sheet and any supporting documentation relied upon. If supporting documentation cannot be emailed, submission must be by timely mailing two copies of the entire response including documentation; partial submissions will not be accepted as timely. Email attachments must be in *.pdf, *.doc or *.docx format. An email submission must be followed by promptly mailing a single complete copy of the response to the address below.

Request for extension: If you wish to request an extension, your request must be submitted **in writing** via regular mail, fax, or email. The Division will respond in writing; an extension is not granted unless and until you receive written confirmation. Extensions greater than fifteen days will not be approved, nor will the Division grant more than one extension barring extremely compelling circumstances.

Failure to timely respond by mail or e-mail could result in an adverse finding against you, which may be shared with, among others, the Secretary of State, State Attorney General, and the applicable State licensing agencies that govern your business.

Use of email by the Division: The Division uses email, whenever possible, to communicate with the parties to complaints. This avoids delays and lost mail, and increases the efficiency of Division case processing, particularly as the Division intends to continue to process cases in a timely fashion during the COVID-19 pandemic. Therefore, **you are required to provide your email address** on the enclosed Respondent Contact Information sheet, and to keep us advised of any change of email address. The Division will not use your email address for any non-case related matters. You can update your email address by emailing us at roc.syr@dhr.ny.gov and referencing the case number.

The Human Rights Law prohibits retaliation against any person because he or she has opposed discriminatory practices, filed a discrimination complaint, or participated in any proceeding before the Division. Human Rights Law § 296.7.

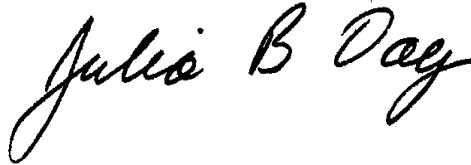
Anyone who willfully resists, prevents, impedes or interferes with the Division's investigation shall be guilty of a misdemeanor punishable by imprisonment, by fine, or by both. Human Rights Law § 299.

As the enclosed information sheet provides, the Division will conduct a prompt investigation, based on the complaint and your response, which may include interviews with your representatives and the collection of documents. The Division expects your full cooperation in this investigation. After the investigation is completed, the Division will make a determination as to whether there is probable cause to believe that unlawful discrimination has occurred. You will be notified of this determination.

Protection of personal privacy: In most cases, you will be expected to submit documents in support of your response to the complaint. The Division observes a personal privacy protection policy consistent with Human Rights Law § 297.8 which governs what information the Division may disclose, and the N.Y. Public Officer's Law § 89 and § 96-a, which prohibit disclosure of social security numbers and limit further disclosure of certain information subject to personal privacy protection. Please redact or remove personal information from any documentation submitted to the Division, unless and until the Division specifically requests any personal information needed for the investigation. The following information should be redacted: the first five digits of social security numbers; dates of birth; home addresses and home telephone numbers; any other information of a personal nature. The following documentation should not be submitted unless specifically requested by the Division: medical records; credit histories; resumes and employment histories. The Division may return your documents if they contain personal information that was not specifically requested by the Division. If you believe that inclusion of any such personal information is necessary to your response, please contact me to discuss before submitting such information.

If you have any questions about the process generally, or how to submit your response, please call me at (585) 238-8250.

Very truly yours,

A handwritten signature in black ink that reads "Julia B. Day". The signature is written in a cursive style with a large, prominent "J" and "D".

Julia B. Day
Regional Director

Enclosures:
Verified Complaint
Respondent Contact Information Form
Information for Respondents

Respondent Contact Information

Return to:
**NYS Division of Human Rights
Rochester Regional Office
259 Monroe Avenue, Suite 308
Rochester, New York 14607**

Re: [REDACTED] v. New Hope Family Services
SDHR NO: 10213155

Correct legal name of Respondent: _____

Federal Employer Identification Number (FEIN): _____

Contact person for this complaint:

Name: _____ Title: _____

Street Address: _____

City/State/Zip: _____ Telephone No: (____) _____

E-mail address: _____

The Division uses email, whenever possible, to communicate with the parties to complaints. This avoids delays and lost mail, and increases the efficiency of Division case processing. **Therefore, you are required to provide an email address, if you have one**, and to keep us advised of any change of your email address. The Division will not use your email address for any non-case related matters.

Is the firm a publicly traded corporation, privately owned, or a d/b/a? If yes, please indicate:

____ Publicly traded corporation ____ Privately owned corporation ____ d/b/a

If privately owned or d/b/a, list names and addresses of all individuals who have an ownership interest in the Respondent (attach additional sheets if necessary)

Do you have an attorney for this matter: Yes____ No____ If yes:

Attorney Name: _____

Firm: _____

Street Address: _____

City/State/Zip: _____ Telephone No: (____) _____

Will you participate in settlement/conciliation? Yes____ No____ If yes, for this purpose please contact:

Name: _____ Telephone No: (____) _____

(Settlement discussions will not delay the investigation and participation in settlement does not provide good cause for an extension of time to respond to the complaint.)

Signature

Date



Division of Human Rights

ANDREW M. CUOMO
Governor

LICHA M. NYIENDO
Commissioner

INFORMATION FOR RESPONDENTS **CONCERNING COMPLAINT PROCEDURES OF** **NEW YORK STATE DIVISION OF HUMAN RIGHTS**

The New York State Division of Human Rights is a State agency mandated to receive, investigate and resolve complaints of discrimination under N.Y. Executive Law, Article 15 (“Human Rights Law”). The Division’s role is to fairly and thoroughly investigate the allegations in light of all evidence gathered.

WHAT TYPES OF COMPLAINTS ARE HANDLED BY THE DIVISION OF HUMAN RIGHTS?

The Human Rights Law forbids discrimination in employment, apprenticeship and training, purchase and rental of housing and commercial space, places of public accommodation, certain educational institutions, and credit transactions. If a person feels that he or she has been discriminated against by of reason of race, color, creed, sex, age (not public accommodation), disability, national origin, marital status, familial status (housing only), conviction or arrest record (employment only), genetic predisposition (employment only), military status, or sexual orientation, or because he or she has opposed any practices forbidden under the Human Rights Law, that person may file a complaint with the State Division of Human Rights.

HOW DOES A PERSON FILE A COMPLAINT?

Persons wishing to file a complaint of discrimination may contact the nearest regional office of the Division of Human Rights. The Human Rights Law requires that they must file such a complaint within one year of the alleged unlawful discriminatory act.

WHAT IS THE INVESTIGATIVE PROCEDURE?

The Division represents neither the Complainant nor the Respondent. The Division pursues the State’s interest in the proper resolution of the matter in accordance with the Human Rights Law. Complainant and Respondent can retain private counsel to represent them during the investigation, but such representation is not required.

Upon receipt of a complaint, the regional office will:

- Notify the Respondent(s). (A Respondent is a person or entity about whose action the Complainant complains.)
- Resolve issues of questionable jurisdiction.

INFORMATION FOR RESPONDENTS
CONCERNING COMPLAINT PROCEDURES OF THE NYS DIVISION OF HUMAN RIGHTS

Page 2

- Forward a copy of the complaint to the U.S. Equal Employment Opportunity Commission (EEOC) or the U.S. Department of Housing and Urban Development (HUD), where applicable. Such federal filing creates a complaint separate and apart from the complaint filed with the Division, although in most cases only one investigation is conducted pursuant to work-sharing agreements with these federal agencies.
- Investigate the complaint through appropriate methods (written inquiry, field investigation, witness interviews, requests for documents, investigatory conference, etc.), in the discretion of the Regional Director. The investigation of the complaint is to be objective.
- Allow the parties to settle the matter by reaching agreement on terms acceptable to the Complainant, Respondent and the Division. The Division will allow settlement from the time of filing until the matter reaches a final resolution.
- Determine whether or not there is probable cause to believe that an act of discrimination has occurred, if the matter cannot be settled prior to that Determination. The Division will notify the Complainant and Respondent in writing of the Determination.

You, or your attorney, may review the Division's file in this matter, and may copy by hand any material in the file, or obtain photocopies at a nominal charge. The Complainant in this matter has the same right to review the file.

WHAT IS THE DIVISION'S POLICY ON ADJOURNMENTS AND EXTENSIONS?

It is the Division's policy to investigate all cases promptly and expeditiously. Therefore, you are expected to cooperate with the investigation fully and promptly. No deadlines will be extended at any time during the investigation, unless good cause is shown in a written application submitted at least five (5) calendar days prior to the original deadline. Failure to comply could result in an adverse finding against you, which would be shared with, among others, the Secretary of State and the applicable State licensing agencies that govern your business.

WHAT IS THE PROCEDURE FOLLOWING THE INVESTIGATION?

If there is a Determination of no probable cause, lack of jurisdiction, or any other type of dismissal of the case, the Complainant may appeal to the State Supreme Court within 60 days.

If the Determination is one of probable cause, there is no appeal to court. The case then proceeds to public hearing before an Administrative Law Judge. Under Rule 465.20 (9 N.Y.C.R.R. § 465.20), the Respondent may ask the Commissioner of Human Rights within 60 days of the finding of probable cause to review the finding of probable cause. Such application should be sent to the General Counsel of the Division and to the Complainant, and Complainant's attorney, if any.

WHAT IS A PUBLIC HEARING?

A public hearing, pursuant to the Human Rights Law, is a trial-like proceeding at which relevant evidence is placed in the hearing record. It is a hearing de novo, which means that the Commissioner's final decision on the case is based solely on the content of the hearing record. The public hearing is presided over by an Administrative Law Judge, and a verbatim transcript is made of the proceedings.

The hearing may last one or more days, not always consecutive. Parties are notified of all hearing sessions in advance, and the case may be adjourned to a later date only for good cause.

INFORMATION FOR RESPONDENTS
CONCERNING COMPLAINT PROCEDURES OF THE NYS DIVISION OF HUMAN RIGHTS

Page 3

Respondent can retain private counsel for the hearing, and, if Respondent is a corporation, is required to be represented by legal counsel. The Complainant can retain private counsel for the hearing, but is not required to do so. If Complainant is not represented by private counsel, the Division's counsel prosecutes the case in support of the complaint. Attorneys for the parties or for the Division may issue subpoenas for documents and to compel the presence of witnesses.

At the conclusion of the hearing sessions, a proposed Order is prepared by the Administrative Law Judge and is sent to the parties for comment.

A final Order is issued by the Commissioner. The Commissioner either dismisses the complaint or finds discrimination. If discrimination is found, Respondent will be ordered to cease and desist and take appropriate action, such as reinstatement, training of staff, or provision of reasonable accommodation of disability. The Division may award money damages to Complainant, including back pay and compensatory damages for mental pain and suffering, and in the case of housing discrimination, punitive damages, attorney's fees and civil fines and penalties. A Commissioner's Order may be appealed by either party to the State Supreme Court within 60 days. Orders after hearing are transferred by the lower court to the Appellate Division for review.

WHAT IS A COMPLIANCE INVESTIGATION?

The compliance investigation unit verifies whether the Respondent has complied with the provisions of the Commissioner's Order. If the Respondent has not complied, enforcement proceedings in court may be brought by the Division.

NOTICE PURSUANT TO PERSONAL PRIVACY PROTECTION LAW

Pursuant to the Human Rights Law, the Division collects certain personal information from individuals filing complaints and from those against whom a complaint has been filed. The information is necessary to conduct a proper investigation; failure to provide such information could impair the Division's ability to properly investigate the matter. This information is maintained in a computerized Case Management System maintained by the Division's Director of Information Technology, who is located at One Fordham Plaza, Bronx, New York, (718) 741-8365.

PENAL PROVISION OF THE HUMAN RIGHTS LAW

The Human Rights Law contains the following penal provision:

“Any person, employer, labor organization or employment agency, who or which shall willfully resist, prevent, impede or interfere with the division or any of its employees or representatives in the performance of duty under this article, or shall willfully violate an order of the division or commissioner, shall be guilty of a misdemeanor and be punishable by imprisonment in a penitentiary, or county jail, for not more than one year, or by a fine of not more than five hundred dollars, or by both; but procedure for the review of the order shall not be deemed to be such willful conduct.”
Human Rights Law § 299.

GENERAL INFORMATION

For a more detailed explanation of the process, see the Division's Rules of Practice (9 N.Y.C.R.R. § 465) available on our website www.dhr.ny.gov. If you have any additional questions about the process, the investigator assigned to the case will be available to answer most questions.

RECEIVED

By Johnnaye Edmond at 11:07 am, Aug 23, 2021

**New York State Division of Human Rights
Public Accommodation Discrimination Complaint Form**

Although all ages are protected, you must be 18 years or older to file a complaint. A parent, guardian or other person having legal authority to act in the child's interests must file on behalf of a person under the age of 18.

1. Your contact information:			
First Name [REDACTED]		Middle Initial/Name [REDACTED]	
Last Name [REDACTED]			
Street Address/ PO Box [REDACTED]		Apt or Floor #: [REDACTED]	
City [REDACTED]		State NY	Zip Code [REDACTED]
If you are filing on behalf of a person or persons under the age of 18 for whom you have legal authority to act:		I am filing for: <input checked="" type="checkbox"/> Self & other <input type="checkbox"/> Other person(s) only	
Name(s):	Relationship(s):	Date(s) of birth:	
2. Briefly describe the type of public accommodation you are filing against (e.g. restaurant, store, theatre, bank, medical office, insurance company, etc.):			
Adoption Services			
3. You are filing a complaint against:			
Name New Hope Family Services and Kathy Jerman			
Street Address/ PO Box 3519 James Street			
City Syracuse		State NY	Zip Code 13206
Telephone Number: 315-437-8300 Ext. 113			
In what county or borough did the violation take place? Onondaga County			
Individual people who discriminated against you:			
Name: Kathy Jerman		Title: Executive Director	
Name: _____		Title: _____	
If you need more space, please list them on a separate piece of paper.			
4. Date of alleged discrimination (must be within one year of filing):			
The most recent act of discrimination happened on:			
	Aug	20	2021
	month	day	year

5. Basis of alleged discrimination:

Check **ONLY** the boxes that you believe were the reasons for discrimination, and fill in specifics only for those reasons. Please look at page 2 of "Instructions" for an explanation of each type of discrimination.

<input type="checkbox"/> Creed/Religion: Please specify: _____	<input type="checkbox"/> National Origin: Please specify: _____
<input type="checkbox"/> Disability: Please specify: _____	<input type="checkbox"/> Race/Color or Ethnicity: Please specify: _____
<input type="checkbox"/> Gender Identity or Expression, including the Status of Being Transgender	<input type="checkbox"/> Sex: Please specify: _____
<input checked="" type="checkbox"/> Marital Status: <input checked="" type="checkbox"/> Single <input type="checkbox"/> Married <input type="checkbox"/> Separated <input type="checkbox"/> Divorced <input type="checkbox"/> Widowed	<input checked="" type="checkbox"/> Sexual Orientation: Please specify: <u>Homosexuals</u>
<input type="checkbox"/> Military Status: <input type="checkbox"/> Active Duty <input type="checkbox"/> Reserves <input type="checkbox"/> Veteran	<input type="checkbox"/> Arrest record (credit and insurance only; see page 2 of instructions for what is covered by the arrest provisions)

Use of Guide Dog, Hearing Dog, or Service Dog, or a Service Animal meeting the ADA definition

If you believe you were treated differently because you filed or helped someone file a discrimination complaint, acted as a witness to a discrimination complaint, or reported unlawful discrimination, check below:

Retaliation: How you opposed discrimination:

If you believe you were discriminated against because of your relationship or association with a member or members of a protected category listed above, indicate the relevant category above, and check below.

Relationship or association

6. Acts of alleged discrimination: *What did the person/company you are complaining against do? Check all that apply*

<input checked="" type="checkbox"/> Denied access to public accommodation	<input checked="" type="checkbox"/> Discriminatory advertisement, communication, or notice
<input checked="" type="checkbox"/> Denied equal advantages, facilities and privileges of public accommodation	<input type="checkbox"/> Sexual harassment
<input type="checkbox"/> Denied reasonable accommodation for disability	<input type="checkbox"/> Harassed/intimidated (other than sexual harassment) on any basis indicated above
<input type="checkbox"/> Denied reasonable accommodation regarding the use of a service animal (dog or miniature horse) in violation of federal standards under the Americans with Disabilities Act	<input type="checkbox"/> Discriminated against because of use of a professionally trained guide, hearing or service dog
<input type="checkbox"/> Other: _____	

7. Description of alleged discrimination

Please tell us more about each act of discrimination that you experienced. Please include dates, names of people involved, and explain why you think it was discriminatory. PLEASE TYPE OR PRINT CLEARLY. You may also write "see attached" and attach a typed description.

Please see enclosed document.

If you need more space to write, please continue writing on a separate sheet of paper and attach it to the complaint form. DO NOT WRITE IN THE MARGINS OR ON THE BACK OF THIS FORM.

In the Matter of the Complaint of

[REDACTED]

Complainant-Petitioners,

**For Review by the New York State Division of
Human Rights ,**

- against -

**KATHY JERMAN, capacity as Executive
Director; and
NEW HOPE ADOPTION FAMILY SERVICES**

Defendants-Respondents.

Date: 20th-August-2021

cc: Julia Day,
Regional Director,
NYS Division of Human Rights,
333 E Washington St., Room #543
Syracuse, NY, 13202
Telephone No. (315) 428-4633
eFax: (315) 428-4106
InfoSyracuse@dhr.ny.gov

**PRIMA FACIE CASE FOR SEXUAL ORIENTATION AND MARITAL STATUS
DISCRIMINATION;**

To support a prima facie case of sexual orientation and marital status discrimination, a Complainant must show: "(1) that [he] is a member of a protected class; (2) that [he] was qualified for [certification] in the position; (3) that [he] suffered an adverse...action; and, in addition, has (4) some minimal evidence suggesting an inference that the [agency] acted with discriminatory motivation."¹ To provide probable cause of the aforementioned: (1) the Complainant is a single homosexual male. Both *marital status* and *sexual orientation* are considered protected classes; n.b., N.Y. Exec. Law § 296(1-a)(c) and 18 CRR-NY 421.3(d). The Respondent is a place of public accommodation--per N.Y. Exec. Law § 292(9)--and is authorized by the Office of Children and Family Services (hereafter referenced "OCFS") "to provide adoption services" [Exhibit 1, 2, and 3]. Albeit Respondent claims to be a "a private, voluntary, nonprofit corporation", Complainant argues the following: given that the organization is "authorized" by OCFS to provide adoption services, said organization is liable for 18 CRR-NY 421.3(d). This statute, 18 CRR-NY 421.3(d), prohibits "authorized agencies providing adoption services" from discrimination and harassment against applicants for adoption services on the basis of...sexual orientation [and]...marital status". The Respondent is, by Respondent's own admission [Exhibit 1 and 2], an "authorized" agency and thus, subject to OCFS--public--laws and regulations including 18 CRR-NY 421.3(d).

Given that the Respondent is subjected to OCFS regulations and statutes--including 18 CRR-NY 421.3(d)--the Respondent is subjected to a NYS Division of Human Rights (hereafter referenced "NYS DHR") investigation as it provides services to the public, i.e., adoption services. Incidentally, given the services the Respondent provides to the public, the Respondent is responsible for compliance with N.Y. Exec. Law § 296(1-a)(c). Said statute states "[t]o discriminate against any person in his or her pursuit of such programs or to discriminate against such a person in the terms, conditions or privileges of such programs because of ...sexual orientation [and]...marital status" is prohibited and unlawful. Notwithstanding, even if the Respondent was found to be a "religious" and/or "private institution", as denoted N.Y. Exec. Law § 292(9), this may give Respondent license to "apply such selective criteria as it chooses in the use of its facilities, in evaluating applicants for membership and in the conduct of its activities", but said license is only to a point. The point ends at the following: "[the organization's] selective criteria do not constitute discriminatory practices under this article or any other provision of law". Thus, the question of the Respondent's religious and/or private status need not matter as it is subjected to both 18 CRR-NY 421.3(d) and N.Y. Exec. Law § 296(1-a)(c); both, of which: prohibit discrimination based on *sexual orientation* and *marital status*.

¹ Littlejohn v. City of New York, 795 F.3d 297, 307 (2d Cir. 2015).

Consequently, the Respondent cannot be shielded with a claim of religious exemption and/or private agency exemption.

Respondent admits to discriminating in its application process and admissions process when the Respondent states: "New Hope works with adoptive families built around a married husband and wife" [Exhibit 1]. Respondent also acknowledges that Respondent is cognizant of the law when Respondent states: "Others may be eligible to adopt under New York law, and upon request New Hope can provide contact information about other adoption services in the area" [Exhibit 1]. When Respondent states the Respondent "works with adoptive families" that are "married", Respondent clearly suggests unmarried couples are not eligible to join Respondent's program. Thus, evidence of *marital status* discrimination. When the Respondent points out a "married husband and wife", Respondent is suggesting homosexual marriages--and thus, homosexuals--are not accepted either; therefore, evidence of *sexual orientation* discrimination. Coupled with the Respondent's final statement--RE: "[o]thers may be eligible to adopt under New York law, and upon request New Hope can provide contact information about other adoption services in the area"--Respondent demonstrates Complainant's fourth need for a prima facie case of discrimination: "minimal evidence suggesting an inference that the [agency] acted with discriminatory motivation". Complainant makes said argument as Respondent was cognizant of the Respondent's language (*marital status discrimination* and *sexual orientation* discrimination) by suggested "[o]thers may be eligible to adopt under New York law", but that said "[o]thers" will not be "eligible to adopt" with Respondent. This proves Respondent's "motivation" to discriminate against specific protected classes of individuals and failure of the Respondent to provide "equal advantages, facilities, and privileges".

Lastly, to support a prima facie case of discrimination, Complainant must prove some "adverse...action" and that Complainant was "qualified for [certification]". Respondent provides evidence of the former; RE: "New Hope can provide contact information about other adoption services in the area". By stating this, Respondent rejects any application and/or equal services to certain protected classes. Said rejection of services is an "adverse...action". Complainant *proves* complainant was "qualified for [certification]" by two mechanisms: (1) Complainant was approved for foster care/adoption by three other agencies [Exhibits 4, 5, and 6]; and (2) the same statutes governing the adoption application processes for the Respondent--based on 18 CRR-NY 421.15 [Exhibit 7]--are the application processes that governed the other three aforementioned agencies for which the Complainant was accepted. Coupled, these two aforesaid arguments *prove* the Complainant was eligible to receive Respondent's services; i.e., adoption services.

Signature (Declaration or Oath)

Based on the information contained in this form, I charge the herein named respondent(s) with an unlawful discriminatory practice, in violation of the New York State Human Rights Law.

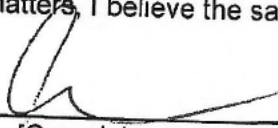
I have not filed any other civil action, nor do I have an action pending before any administrative agency, under any state or local law, based upon this same unlawful discriminatory practice. (If you have another action pending and still wish to file, please contact our office to discuss.)

PLEASE INITIAL MM

Human Rights Law § 297.1 requires that a complaint filed with the Division of Human Rights must be "under oath or by declaration." **You must complete either the "declaration" or "oath" sections below.** The declaration requires only your signature and does not need to be notarized. The oath requires that you sign it before a notary.

DECLARATION


I affirm this 20 day of Aug (month), 2021 (year) at Groton (city), NS (state), under penalties of perjury, that I am the complainant herein; that I have read (or had read to me) the foregoing complaint and know the content thereof; that the same is true of my own knowledge except as to the matters therein stated on information and belief; and that as to those matters, I believe the same to be true.

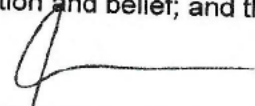


[Complainant name]

OATH

STATE OF NEW YORK)
COUNTY OF Tompkins) SS:

, being duly sworn, deposes and says: that I am the complainant herein; that I have read (or had read to me) the foregoing complaint and knows the content thereof; that the same is true of my own knowledge except as to the matters therein stated on information and belief; and that as to those matters, I believes the same to be true.



Complainant signature

Subscribed and sworn to
before me this 23rd day
of August, 2021

Colleen R Armstrong
Signature of Notary Public

COLLEEN R. ARMSTRONG
NOTARY PUBLIC, STATE OF NEW YORK
NO. 01AR6027666
QUALIFIED IN TOMPKINS COUNTY
MY COMMISSION EXPIRES 7-12-2025

Please note: Once this form is completed and returned to the New York State Division of Human Rights, it becomes a legal document and an official complaint with the Division.



EXHIBIT 1

[REDACTED]

Adoption Services

Kathy Jerman [REDACTED]

Fri, Aug 20, 2021 at 4:21 PM

To: [REDACTED]

Hi [REDACTED]

Thank you for inquiring about our adoption program. New Hope is a Christian ministry that serves birth mothers, infants, and adoptive parents through the adoption process. New Hope Family Services, Inc., is a private, voluntary, nonprofit corporation that is authorized by the New York State Department of Social Services to provide adoption services. We work with birth moms and adoptive families throughout New York State, with the exception of those who reside in the five boroughs of NYC and Long Island. We have been bringing families together through adoption since 1965.

Because of New Hope's convictions as a Christian adoption service, New Hope works with adoptive families built around a married husband and wife. Others may be eligible to adopt under New York law, and upon request New Hope can provide contact information about other adoption services in the area.

New Hope facilitates domestic infant adoptions up to age two. Generally, we work with expectant moms and do adoptions while the child is still an infant. We average about 8 adoptions per year. Our adoptive parent process is as follows:

1. Attend an orientation meeting where you will learn more about New Hope and the adoption process.
2. Fill out our adoption application and submit all other necessary paperwork, such as background checks.
3. Complete a Home Study. Our Home study process lasts for about 3-4 months and is a series of trainings and interviews. We only conduct home studies for 6-7 families at one time.
4. Once you have been approved as an adoptive family, you will create a profile. This is what expectant moms will look at as they decide which family to pick for their child.

In general, our process to become approved can take about 6 months. However, the time spent waiting for a child varies. It could be a few days or a few years.

In terms of fees, it is about \$22,000-23,000 total to adopt through New Hope. This is paid out slowly throughout the application process. We also require \$4,000 to be deposited in an escrow account at time of approval for legal fees. If this is not completely used for the fees incurred, the remainder will be returned to you.

Another thing to consider is to do a private adoption. The attorney we work with does private adoptions as well. These are cheaper, about \$10,000-\$15,000. The difference is that you would be working only with the attorney and not going through New Hope. Additionally, it also means that you may have to do some of the "leg work" yourself to find a child to adopt. For people going this route, we suggest letting your family and friends know you are looking to adopt, as they may have a connection to an expectant mom considering adoption. If you would like to learn more about this option, you can call our attorney Kevin Harrigan or his assistant Sherry Kline at [REDACTED]

Please let me know if you have any further questions.

Warmest Regards,

Kathy Jerman

Executive Director



3519 James Street

Syracuse, NY 13206

315-437-8300 Ext. 113

www.newhopefamilyservices.com

From: [REDACTED]
Sent: Thursday, August 19, 2021 3:30 PM
To: Kathy Jerman [REDACTED]
Subject: Adoption Services

To Whom It May Concern:

I'm extremely interested in your adoption program!

May you tell me a bit about it?

Best,

[REDACTED]

EXHIBIT 2

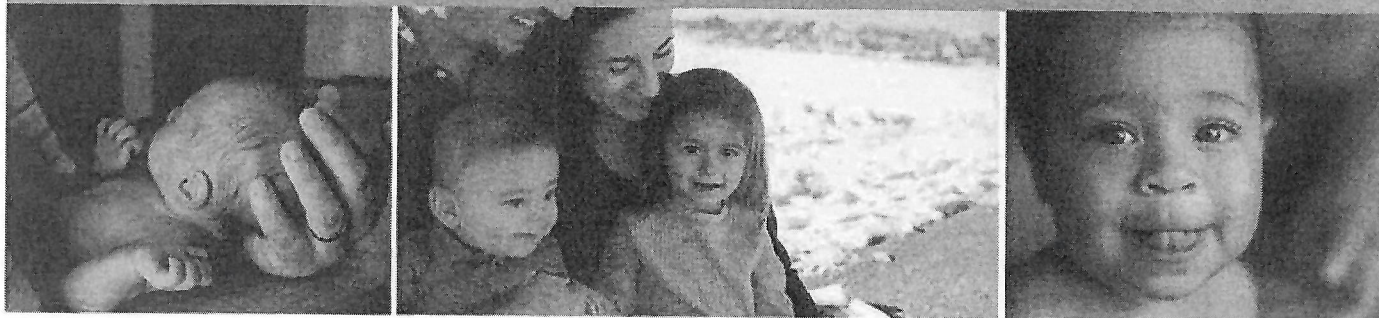
3519 James Street, Syracuse, NY 13208 315-437-8300

EVENTS DONATE LIVE CHAT



HOME PREGNANCY ABORTION ADOPTION SERVICES RESOURCES CONTACT GET IT TOUCH

Adoptive Parents



Services for Adoptive Parents

If you are considering starting the adoption process, we would love to be a part of your adoption journey and help place a child into your loving home. We offer a personal approach in our adoption process and are here for you each step of the way. We would love for you to contact us by email or phone to receive more information!

New Hope Family Services is a New York State certified adoption agency. We work with birth moms and adoptive families throughout New York State, with the exception of those who reside in the five boroughs of NYC and Long Island. We have been bringing families together through adoption since 1965. We would be honored to be a part of your adoption story.

Learn More About Our Adoption Process

Your Next Steps >>

Contact us to learn more about the adoption process and how to get started. We are happy to provide a free consultation and talk about your next steps.

Get it Touch

New Hope Family Services

3519 James Street, Syracuse, NY 13208 315-437-8300

GET IT TOUCH: Website, Facebook, Instagram, Email, Phone

HOURS: Monday - Friday 9:00am - 5:00pm, Saturday 10:00am - 4:00pm, Sunday 12:00pm - 4:00pm

QUICK LINKS: Home, About Us, Services, Resources, Contact Us, Get It Touch

AFTER HOURS SUPPORT: Text for Support, Call for Support, Email for Support

APPOINTMENTS: [Appointment Form Icon]

Facebook, Email icons

© 2021 New Hope Family Services. All rights reserved. New Hope Family Services does not perform or rely on abortions.

EXHIBIT 3

August 21, 2021 12:50 PM

Tropical Storm Henri

Gov. Cuomo declared a State of Emergency as Tropical Storm Henri impacts areas of the State. Monitor your local forecast and take precautions.

DETAILS >


[Services](#)
[News](#)
[Government](#)
[COVID-19 Vaccine](#)

Q Search

Office of Children and Family Services

[Child Care](#)
[Child Welfare](#)
[Prevention](#)
[Developmental](#)
[Family Engagement](#)
[Reunification for the Parent](#)
[Adult Services](#)

Adoption Services

Adoption Home

Adoption Gallery

Adoption Photolisting and Heart Gallery New York

Video Gallery

Before Adopting

Post-Adoption

Provide Adoption Services

More Information

Contact Information

NYS Adoption Services
52 Washington Street
Room 332 North
Rensselaer, NY 12144
1-800-345-6127
adoplme@dcfs.ny.gov

Translate this page

home > adoption > agencies > voluntary

Authorized Voluntary Adoption Agencies

This is a comprehensive list of all in-state and out-of-state authorized voluntary adoption agencies with an approved adoption program. Agencies previously listed on the out-of-state adoption agency list are noted on this list as Article 13 agencies.

Abbott House

100 North Broadway
Irvington, NY 10533

Contact: Jacqueline Joseph, Adoption Supervisor
Phone: 914-591-3200, ext. 3400
Email: jjoseph@abbotthouse.net

Website: abbotthouse.net

Adoption Choices, Inc.

Doing Business in New York As: Adoption Choices of New York
Article 13 - Colorado

1 Marcus Boulevard, Suite 200
Albany, NY 12205

Contact: Laurie Coreno Reynolds, LMHC, MA, Social Services Director
Phone: 518-478-8420
Fax: 518-935-9988
Email: lauriecorenoreynolds@gmail.com

Contact: Kathleen Coppes DiPaola, Esq.
Phone: 518-436-4170
Email: kdipaola@thecdslewfirm.com

Website: adoptionchoicesofnewyork.org

Adoption S.T.A.R., Inc.

131 John Muir Drive
Araherst, NY 14228

Contact: Michele Fried, Founder and CEO
Phone: 716-639-3900
Fax: 716-639-3700

Website: www.adoptionstar.com

Adoption Services, Inc.

Doing Business in New York As: Adoption Services International
Article 13 - Pennsylvania

7 Orchard Street
Nyack, NY 10960

28 Central Boulevard
Camp Hill, PA 17011

Contact: Vincent F. Berger, Ph.D., ABPP, ABFP, Executive Director
Phone: 800-943-0400

Website: adoption-services.org

Adoptions From The Heart, Inc.

Article 13 - Pennsylvania

661 Decker Road
Walkkill, NY 12589

30-31 Hempstead Circle
Wynnewood, PA 19096

Contact: Maxine Challer, Executive Director
Phone: 610-432-2384
Email: Adoptions@afth.org

Website: afth.org

Association of Black Social Workers Child Adoption Counseling and Referral Services, Inc.

1969 Madison Avenue
New York, NY 10035

Contact: Leora Neal, Director
Phone: 212-631-5181
Fax: 212-631-5350
Email: abswnycc@aol.com

Baker Hall

Doing Business As: **OLV Human Services**
790 Ridge Road
Lackawanna, NY 14218
Contact: Virginia Goodremova, Director of Foster Care
Phone: 716-828-9777
Contact: Holly Lavner, Director OCFS Residential and Foster Care Program
Phone: 716-828-9497
Fax: 716-828-7845
Website: www.olvhuman.com

Berkshire Farm Center & Services for Youth

427 New Karner Road, 1st Floor
Albany, NY 12205
Contact: Alicia Kreiner, Vice President of Foster Care
Phone: 518-825-6826
Fax: 518-456-8686
Email: alv@berkshirefarm.org
Website: www.berkshirefarm.org

Bethany Christian Services of New Jersey

Article 13 - Michigan
410 Troy Schenectady Road, Suite 202
Latham, NY 12110
Phone: 518-782-7800
Website: bethany.org/albany
321 East Ave
Rochester, NY 14604
Phone: 595-288-6760
Website: bethany.org/rochester
Contact: Yvonne Ferrin, Executive Director of New York, New Jersey & Connecticut
Phone: 701-703-4371
901 Eastern Avenue NE
Grand Rapids, MI 49501
Website: bethany.org
** Intercountry Adoption Accredited*

Buffalo Urban League, Inc.

15 Genesee Street
Buffalo, NY 14203
Contact: Brenda McDuffie, President/CEO
Phone: 716-250-2400
Website: buffalourbanleague.org
Foster Care & Adoption Programs
15 Pine Street
Buffalo, NY 14204
Contact: Tafadzwa I. Chiezo, Coordinator
Phone: 716-854-8857
Fax: 716-854-2171

Cardinal McCloskey School and Home for Children

115 East Stevens Avenue, Suite LL5
Valhalla, NY 10595
529 Courtlandt Avenue, 3rd Floor
Bronx, NY 10451
Contact: Elizabeth Reinde-Bukish, Director of Foster Care Programs
Phone: 718-993-7700 ext. 831
Email: eb@debbyscardinal.org
Website: ccm.org

Catholic Charities of the Diocese of Albany

Doing Business As: **Community Maternity Services**
27 North Main Avenue
Albany, NY 12202
Contact: Peg Elliot, LCSW-R, Associate Executive Director for Community Based Services
Phone: 518-482-8818
Email: peg@ccms.org
Website: ccms.com

Catholic Charities of the Diocese of Rochester

Doing Business As: **Catholic Family Center**
87 North Clinton Avenue
Rochester, NY 14604
Contact: Jennifer Berenson, LCSW, Director of Children and Family Services
Phone: 585-546-7220 ext. 4650
Email: jberenson@catholicfamilycenter.org
Website: catholicfamilycenter.org
** Intercountry Adoption Accredited*

Catholic Guardian Services

1011 First Avenue, 10th Floor
New York, NY 10022
Contact: Cynthia Blake, Director of Family Foster Care Support Services
Phone: 718-228-1515, ext. 102
Email: cb@skidmoreguardians.org

Website: catholicpauident.org

Cayuga Home for Children

Doing Business As: Cayuga Centers

1846 Park Avenue, Suite 100
New York, NY 10037

Contact: Troy Briatnwalte, Chief Operations Officer, New York City Programs
Phone: 646-760-9100, ext. 1978
Email: troy.briatnwalte@cayugacenters.org

Website: cayugacenters.org

Child & Family Services of Erie County

824½ Delaware Avenue
Buffalo, NY 14209-2008

Contact: Stacy Wilson, Program Manager for Foster Care & Adoption
Phone: 716-335-7216
Email: SWilson@ctsbny.org

Website: ctsbny.org

Children At Heart Adoption Services, Inc.

44 North Main Street
Mechanicville, NY 12118

Contact: Janice Bergeron, Director
Phone: 518-664-5588
910-431-3372
Fax: 910-763-4415
Email: cahadoptions@aol.com

Website: childrenatheart.com

Children Awaiting Parents, Inc.

Doing Business As: Donald J. Corbett Adoption Agency

274 North Goodman Street
Rochester, NY 14607

Contact: Lauri McKnight, Executive Director
Phone: 585-232-5110, ext. 234
Fax: 585-232-2634
Cell: 585-978-4268
Email: info@capbook.org

Website: childrenawaitingparents.org

Children's Home of Wyoming Conference

182 Chenango Street
Binghamton, NY 13901

Contact: Alescia Gaucher, Director of Homefinding & Adoption
Phone: 607-772-6904, ext. 2285
Email: agaucher@chowc.org

Website: chowc.org

Coalition for Hispanic Family Services

315 Wyckoff Avenue, 4th Floor
Brooklyn, NY 11237

Contact: Denise Rosario, Executive Director
Phone: 718-497-6090
Fax: 718-497-9495

Website: hispanicfamilyservicesny.org

Downey Side, Inc.

Grace Episcopal Church
33 Church Street
White Plains, NY 10601

Contact: Kimberly Frink, Communication Manager
Phone: 212-714-2200
Fax: 914-831-0585
Email: kfrink@downeyside.org

Website: downeyside.org

Family & Children's Agency, Inc.

Article 13 - Connecticut
600 Mamaroneck Avenue, Suite 400-20
Harrison, NY 10528

Phone: 914-834-5806

9 Mott Avenue
Norwalk, CT 06850

Contact: Mary Kate Locke, LCSW, Director of Child & Family Development
Phone: 203-855-8765
Email: adoption@fcagency.org

Website: www.familyandchildrensagency.org

* Intercountry Adoption Accredited

Family Connections, Inc.

156 Fort Watson Street
PO Box 5555
Cortland, NY 13045

Contact: Daniel Souers, Executive Director

Phone: 607-756-6574
 Email: info@adoptioninny.com
 Website: adoptioninny.com
 Intercountry Adoption Accredited

Family Focus Adoption Services

54-40 Little Neck Parkway, Suite #5
 Little Neck, NY 11362
 Contact: Jack Brennan, Executive Director
 Phone: 718-224-1919
 Website: familyfocusadoption.org
 Intercountry Adoption Accredited

Family Services of Westchester, Inc.

Adoption & Children's Services Division
 78 Main Street
 Hastings-on-Hudson, NY 10706
 Contact: Mia Diamond Padwa, Director
 Phone: 914-274-9334 ext. 232
 Email: mipadwa@hsaw.org
 Website: fsw.org

Forestdale, Inc.

67-35 112th Street
 Forest Hills, NY 11375
 Contact: Alexandra Dorkani, Permanency Supervisor
 Phone: 718-262-0700 ext. 290
 Website: forestdaleinc.org

Forever Families Through Adoption, Inc.

62 Bowman Avenue
 Pys Brook, NY 10573
 Contact: Joy S. Goldstein, LCSW, ACSW, Executive Director
 Phone: 914-939-4160
 Email: adoption@foreverfamiliesthroughadoption.org
 Website: foreverfamiliesthroughadoption.org
 Intercountry Adoption Accredited

Friends in Adoption, Inc.

Article 13 - Vermont
 125 High Rock Avenue
 Sarepta Springs NY 12866
 Contact: Tara Salter, Executive Director
 Email: tara@friendsinadoption.org
 Phone: 800-844-3630
 212 Main Street
 Poultney, VT 05764
 Email: info@friendsinadoption.org
 Website: friendsinadoption.org

Gateway-Longview, Inc.

10 Symphony Circle
 Buffalo, NY 14201
 Contact: Michelle Federowicz, Corp. Vice President of Foster Care & Residential Services
 Phone: 716-783-3187
 Email: mfederowicz@gatewaylongview.org
 Contact: Matthew Mezzie, Director of Foster Care & Permanency Services
 Phone: 716-783-5252
 Email: mmezzie@gatewaylongview.org
 Website: gatewaylongview.org

Good Shepherd Services

7 West Burnside Avenue
 Bronx, NY 10452
 Contact: Karen Callender, Division Director
 Phone: 718-561-4340
 Email: Karen_Callender@goodshepherd.org
 Corporate Office:
 326 7th Avenue, 9th Floor
 New York, NY 10011
 Contact: Sr. Pauline LoMonaco, Executive Director
 Phone: 212-243-7070
 Email: PaulineLoMonaco@goodshepherd.org
 Website: goodshepherd.org

Graham Windham

1946 Webster Avenue
 Bronx, NY 10457
 Contact: Frida Serrano Sanchez, Supervisor
 Phone: 718-294-1715 ext. 4303
 Email: SanchezF@GrahamWindham.org
 Contact: Ritchie Nixon, Director
 Phone: 718-294-1715 ext. 4333
 Email: NixonR@GrahamWindham.org

Website: gohomewordham.org

Heart to Heart Adoptions, Inc.

Article 13 – Utah

40 Beaver Street
Albany, NY 12207
8668 South 700
East Sandy, UT 84070

Contact: Donna Pope, Executive Director
Phone: 801-563-1000
Email: donna@hearttoheartadopt.com
Website: hearttoheartadopt.com

Heartshare Human Services of New York / St. Vincent's Services

66 Boerum Place
Brooklyn, NY 11201-4206

Contact: John Olufemi, Permanency Unit Supervisor
Phone: 718-522-3700
Website: www.hsvsnyc.org

Hillside Children's Center

215 Wyoming Street
Syracuse, NY 13204

1 Musierd Street
Rochester, NY 14609

Contact: Barbara Borick, Permanency Specialist
Phone: 585-355-9113
Fax: 315-703-8750
Website: hillside.com

Holt International Children's Services, Inc.

Article 13 – Oregon

108 W. 39th Street, Suite 805
New York, NY 10018

Contact: Sama Alghall, Branch Director
Phone: 212-645-1451
609-882-4972
Email: samaa@holtinternational.org

250 Country Club Road
Eugene, OR 97401

Email: info@holtinternational.org
Website: holtinternational.org

** Intercountry Adoption Accredited*

Hopscotch Adoptions, Inc.

c/o Michael Garabedian, Esq.
Egan & Golden, LLP
96 South Ocean Avenue
Patchogue, NY 11772

Contact: Robin Sizemore, Executive Director
Phone: 336-899-0088
336-899-0062
Fax: 888-877-3824
Website: hopscotchadoptions.org

** Intercountry Adoption Accredited*

Hudson Valley Adoption Services, Inc.

PO Box 280
Woodstock, NY 12498

Contact: Laurie Slavin, Executive Director
Phone: 305-775-8340
Email: info@hudsonvalleyadoptionsservices.org
Website: hudsonvalleyadoptionsservices.org

Jewish Child Care Association of New York

555 Bergen Avenue, 4th Floor
Bronx, NY 10455

Contact: Anolnette Bryce, Program Director for Adoption
Phone: 718-742-8503
Email: bryc@jccny.org
Website: jccny.org

Jewish Family and Children's Service of Greater Philadelphia

Article 13 - Pennsylvania
1190 6th Avenue, 8th Floor
New York, NY 11036

Contacts: Stefani Moon, Program Manager
Meredith Rose, Director
Phone: 888-OPENARMS
888-673-6276
Email: info@openarmsadoption.net
Website: openarmsadoption.net

Little Flower Children and Family Services of New York

630 Flushing Avenue, 3rd Floor
Brooklyn, NY 11206
Contact: Patricia Lott-Alston, Adoption Analyst
Phone: 718-526-9150
Website: www.wermy.org

Lutheran Social Services of Metropolitan New York, Inc.

75 West 125th Street, 3rd Floor
New York, NY 10027
Contact: Antonne Taylor, Executive Director for Children's Services
Phone: 646-790-6560
Website: lssny.org

MercyFirst

241 37th Street, Suite 6A, Unit 10
Brooklyn, NY 11231-2417
Contact: Rebecca Marcone, Vice President
Phone: 718-232-1500 ext. 2210
Email: rmarcone@mercyfirst.org
Website: mercyfirst.org

New Alternatives for Children, Inc.

87 West 26th Street
New York, NY 10010
Contact: Christine Carroll, Permanency Facilitator
Phone: 212-696-1550 ext. 470
Email: ccarroll@NACKidsCare.org
Website: nackidsca.org

New Beginnings Family and Children's Services, Inc.

87 Mineola Boulevard
Mineola, NY 11501
Contact: Timothy Sufin, Executive Director
Phone: 516-747-2207
Email: nbxnewbeginnings.org
Website: newbeginnings.org
** Intercountry Adoption Accredited*

New Directions Youth and Family Services, Inc.

4511 Harlem Road
Astoria, NY 14226
Contact: Lynn Siredas, Director of Foster Care & Organizational and Staff Development
Phone: 716-529-1142
Email: lsiredas@ndyfs.org
Website: FosteringGood.org

New Hope Family Services, Inc.

3519 James Street
Syracuse, NY 13206
Contact: Kathy Jerman, Executive Director
Phone: 315-437-8300
800-272-3171
Email: kjerman@newhopefamilyservices.com
Website: newhopefamilyservices.com

OHEL Children's Home & Family Services, Inc.

1268 East 14th Street
Brooklyn, NY 11230
Contact: Shelley Berger, Program Director
Phone: 716-351-6300
Website: ohellfamily.org

Parsons Child and Family Center

60 Academy Road
Albany, NY 12208
Contact: Damarise Alexander-Mann, Director of Foster Care and Adoption Programs
Phone: 518-425-7620
Website: parsonsfamily.org

Rising Ground, Inc.

151 Levesque Street, 5th floor
Brooklyn, NY 11201
Contact: Tamara Chahire, Director of Home Finding
Phone: 212-437-3557
Email: tchahire@risingground.org
Contact: Moji Onadeyi, Adoption Expeditor
Phone: 212-437-3541
Email: mohi@risingground.org
Contact: Gerald Bruinslane, Adoption Expeditor
Phone: 212-437-3506
Email: gbruinslane@risingground.org
Website: risingground.org

Saint Dominic's Family Services

853 Longwood Avenue, Suite 202
Bronx, NY 10454

Contact: Yameka Williams, Vice President of Family Foster Care
Phone: 917-645-9100, ext. 8103
Email: ywilliams@sdfs.org
Website: www.sdfs.org

SCO Family of Services

1 Alexander Place
Glen Cove, NY 11542

Contact: Michele Aguirre Jones, Director of AIMS (Agency Information Management System)
Phone: 516-671-1253, ext. 1814
Email: majones@sco.org
Website: sco.org

Seamen's Society for Children & Families

50 Bay Street
Staten Island, NY 10301

Contact: Denika Sulollan, Adoption Specialist
Phone: 718-447-7740, ext. 3054
Email: DSulollan@seamenssociety.org

Contact: Dan Berckhaus, Vice President, Foster Care and Adoption Services
Phone: 718-447-7740, ext. 3053
Email: DBerckhaus@seamenssociety.org

Website: seamenssociety.org

Sheltering Arms Children and Family Services, Inc.

25 Broadway, 18th Floor
New York, NY 10004

Contact: Theresa R. Maddicks, Adoption Supervisor
Phone: 718-401-5145
Email: info@shelteringarmsny.org
Website: shelteringarmsny.org

Spence-Chapin, Services to Families and Children

410 East 92nd Street, 3rd Floor
New York, NY 10128

Contact: Yekaterina Trambitskaya, Chief Executive Officer
Phone: 212-369-0300

Website: spence-chapin.org

* Intercountry Adoption Accredited

The Adoption Alliance

Article 13 - Texas

2530 Oak Street
Bellmore, NY 11710

7303 Blanco Road
San Antonio, TX 78216

Contact: Justin Johnson, Executive Director
Phone: 210-349-3991
Website: adoption-alliance.com

The Alliance for Children, Inc.

Article 13 - Massachusetts

58 West 58th Street, Suite 7B
New York, NY 10019

Contact: Ruth A. Rich, Executive Director
Phone: 212-751-4095
781-444-7148

Fax: 781-444-7879
Email: information@allforchildren.org

Website: allforchildrenadoption.org

* Intercountry Adoption Accredited

The Children's Aid Society

1522 Southern Boulevard
Bronx, NY 10460

Contact: Maritza Batista, LMSW, Administrative Supervisor for Adoption & Kinship Guardianship
Phone: 718-764-7406, ext. 5206
Email: Maritza@childrensaidnyc.org

Website: childrensidsociety.org

The Children's Village

2139 Adam Clayton Powell Jr. Boulevard
New York, NY 10027

Contact: Denise Pogue, Director of Adoption and Foster Care
Phone: 212-932-9009, ext. 7224
Email: dpogue@childrensvillage.org

Website: childrensvillage.org

The Gladney Center for Adoption

Article 13 - Texas
 490 East 82nd Street, 3rd floor
 New York, NY 10128
 Contact: Wendy Stanley
 Phone: 347-387-0869
 Fax: 212-868-4566
 Email: wendy.stanley@adoption.org
 6300 John Ryan Drive
 Fort Worth, TX 76132
 Contact: Ashley Whiteside, Manager of Domestic Adoption
 Phone: 817-622-5957
 Email: ashley.whiteside@adoption.org
 Website: adoption.org
 *Intercountry Adoption Accredited

The Lutheran Service Society of New York

6680 Main Street
 P.O. Box 1962
 Wilkesville, NY 14221
 Contact: Susan Lichtenthal, Executive Director
 Phone: 716-631-6212
 Email: info@lssofny.org
 Website: lssofny.org

The New York Foundling

590 Avenue of the Americas
 New York, NY 10011
 Contact: Lyan Bao, VP Specialized Services and Permanency Support
 Phone: 212-856-4082
 Cell: 917-789-6154
 Email: Lyan.Bao@NYFoundling.org
 Website: nyfoundling.org

Wide Horizons For Children, Inc.

Article 13 - Massachusetts
 71 West Main Street
 Oyster Bay, NY 11771
 Contact: Charlene Terri, Senior Social Worker
 Phone: 516-922-0751
 Fax: 516-922-6944
 Email: cterri@whfc.org
 375 Totten Pond Road, Suite 100
 Welham, MA 02451
 Contact: Maryanne Ludwig, Director of Family Services
 Phone: 781-894-5330
 Fax: 781-895-2769
 Email: mludwig@whfc.org
 Website: whfc.org
 *Intercountry Adoption Accredited

You Gotta Believe! The Older Child Adoption & Permanency Movement, Inc.

3714 Mermaid Avenue
 Brooklyn, NY 11224
 Contact: Jennifer Pincher, Executive Director
 Phone: 718-372-8003
 Website: yougotobelieve.org

Office of Children and Family Services

OCFS	Programs	Resources	News	Public Information
OCFS Home	Browse Programs	Funding Opportunities	News	Hotline and Phone Numbers
About OCFS	How Do It?	Document Search	Policy Directives	Ombudsman
Contact	Youth Enrichment Services	FOI/PA	Press Releases	Freedom of Information Law (FOI)
Regional Offices	Child Care Time and Attendance	Publications	Newsletters	Privacy Policy
OCFS Intranet	Electronic Payments	Data and Reports	Employment Opportunities	Reasonable Accommodation / Accessibility
CONNECTIONS	Local Departments of Social Services	Language Assistance	Public Notices	Use Disclaimer
FAQs		Site Map		
		Webmail		

CONNECT WITH US

FACEBOOK TWITTER TWITTER EN ESPAÑOL

REGISTER TO VOTE

REGISTER TO VOTE

Sign up online or download and mail in your application

UBmail
Powered by Google

Exhibit 4



Hey!

Katarina Dercole <[redacted]>
[redacted]

Fri, Aug 28, 2020 at 11:16 AM

Excellent. No, you do not. I will bring the official document for you to sign at our next homevisit.

You are now officially open! Congratulations, and we look forward to placing with you in the near future!

[Quoted text hidden]

[Quoted text hidden]

PO Box 6550
Watertown, NY 13601
Ph. (315) 777-9620
Fax (315) 785-5637



[Quoted text hidden]

EXHIBIT 5

UBmail
Powered by Google



Fwd: YAYYY

1 message

To: [Redacted]

Sat, May 16, 2020 at 6:57 AM

----- Forwarded message -----

From: Chelsea Martin [Redacted]
Date: Mon, Mar 16, 2020 at 11:43 AM
Subject: YAYYY
To: [Redacted]

You are officially opened!!!! CONGRATULATIONS!!!!!!



Chelsea Martin
Assistant Director of Foster Care
315-782-8064 x 4032
ChangingChildrensLives.com

The House of the Good Shepherd and HIPAA prohibit the disclosure of confidential health-related data to unauthorized individuals. Please notify helpticket@hgs-utica.com immediately by e-mail if you have received this e-mail by mistake and delete this e-mail from your system.

EXHIBIT 7

18 CRR-NY 421.15
NY-CRR

OFFICIAL COMPILATION OF CODES, RULES AND REGULATIONS OF THE STATE OF NEW YORK
TITLE 18. DEPARTMENT OF SOCIAL SERVICES
CHAPTER II. REGULATIONS OF THE DEPARTMENT OF SOCIAL SERVICES
SUBCHAPTER C. SOCIAL SERVICES
ARTICLE 2. FAMILY AND CHILDREN'S SERVICES
PART 421. STANDARDS OF PRACTICE FOR ADOPTION SERVICES

18 CRR-NY 421.15
18 CRR-NY 421.15

421.15 Adoption study process.

Authorized agencies operating an adoption program shall:

- (a) Conduct an adoption study process in groups, individually, or in any combination thereof. Such adoption study shall include at least one visit to the applicant's home.
- (b) In at least one session in any study process containing two or more group sessions, include the participation of parents who have adopted a child.
- (c) Inform applicants at the first appointment or meeting that the following will be required prior to the conclusion of the adoption study:
 - (1) report from a physician about the health of each member of the household;
 - (2) references from at least three persons, only one of which may be related to the applicant(s) who can attest to the character, habits, reputation and personal qualifications of the applicant(s) and their suitability for caring for a child;
 - (3) if married, proof of marriage;
 - (4) if married and living separate and apart from their spouse:
 - (i) proof that the separation is based upon a legally recognizable separation agreement or decree of separation; or
 - (ii) an affidavit executed by the prospective adoptive parent attesting that he or she has been or will be living separate and apart from his or her spouse for a period of three years or more prior to the commencement of the adoption proceeding;
 - (5) if previously married, proof of dissolution of marriage by death or divorce;
 - (6) evidence of employment and salary, such as W-2 form or pay stub for each employed applicant;
 - (7)
 - (i) a response to an agency inquiry to the Statewide Central Register of Child Abuse and Maltreatment indicating whether the applicant(s) and/or any other person over the age of 18 who resides in the home of the applicant(s) are the subject(s) of an indicated child abuse or maltreatment report and, if the applicant(s) or any other person over the age of 18 who resides in the home of the applicant(s) resided in another state at any time during the five years preceding the application for approval as adoptive parent(s) made in accordance with this Part, the response from the child abuse and maltreatment registry of the applicable child welfare agency in each such state of previous residence; and
 - (ii) a response to an agency inquiry to the Justice Center for the Protection of People with Special Needs whether the applicant(s) and/or any other person over the age of 18 who resides in the home of the applicant(s) are listed on the register of substantiated category one cases of abuse or neglect maintained by the Justice Center for the Protection of People with Special Needs.
 - (8) a response from the Office of Children and Family Services to the Federal and State criminal history record checks of the applicant and any other person over the age of 18 currently residing in the home of such applicant in accordance with section 421.27 of this Part. If a prospective adoptive parent is approved or if the approval of an approved adoptive parent is not revoked, notwithstanding that the agency is notified by the Office of Children and Family Services that the prospective or approved adoptive parent or any other person over the age of 18 who is currently residing in the home of the prospective or approved adoptive parent has a criminal history record of a discretionary disqualifying crime, a record of the reasons why the prospective or

approved adoptive parent was determined to be appropriate and acceptable to be approved as an adoptive parent provided, however, the agency may not grant or continue approval where the prospective or approved adoptive parent has been convicted of a mandatory disqualifying crime or where an authorized agency, as defined in section 371(10)(a) or (c) of the Social Services Law, has been directed by the Office of Children and Family Services to deny such application or to hold such application in abeyance because of the results of the Federal Bureau of Investigation criminal history record check conducted in accordance with section 421.27 of this Part; and

(9) a sworn statement from each applicant, indicating whether to the best of such applicant's knowledge, such applicant or any person over the age of 18 currently residing in the home has ever been convicted of a crime in New York State or any other jurisdiction. If an applicant discloses in the sworn statement furnished in accordance with this paragraph that he/she or any other person over the age of 18 currently residing in the home has been convicted of a crime, the agency must determine, in accordance with guidelines developed and disseminated by the Office of Children and Family Services to the extent consistent with section 421.27 of this Part, whether to approve the applicant to be an adoptive parent. If the agency determines it will approve the applicant, the agency must maintain a written record, as part of the application file or home study, of the reason(s) why the applicant was determined to be appropriate and acceptable to receive an adoptive placement.

(d) Determine compliance with all of the criteria set forth in section 421.16 of this Part, explore each applicant's ability to be an adoptive parent, and discuss the following topics:

- (1) characteristics and needs of children available for adoption;
- (2) the principles and requirements for adopting a child who is a member of a sibling group in accordance with sections 421.2(e) and 421.18(b) of this Part;
- (3) principles related to the development of children;
- (4) reasons a person seeks to become an adoptive parent;
- (5) the understanding of the adoptive parent role;
- (6) the person's concerns and questions about adoption;
- (7) the person's psychological readiness to assume responsibility for a child;
- (8) the attitudes that each person in the applicant's home has about adoption and their concept of an adopted child's role in the family;
- (9) the awareness of the impact that adoptive responsibilities have upon family life, relationships and current life style;
- (10) a person's self-assessment of his/her capacity to provide a child with a stable and meaningful relationship; and
- (11) the role of the agency in supervising and supporting the adoptive placement.

(e) When an adoption study has been completed and an authorized agency intends to approve an applicant, it shall:

- (1) prepare a written summary of the study findings and activities, including significant characteristics of their family members, the family interaction, the family's relationship to other persons and the community, the family's child rearing practices and experiences, and any other material needed to describe the family for adoption purposes, to be submitted to workers in the agency or other agencies responsible for making placement decisions about children;
- (2) arrange for the applicant(s) to review this written summary with the exception of any comments by references which have sought confidentiality;
- (3) encourage the applicant(s) to express their views on the substance of any significant aspect of the written summary;
- (4) give applicant(s) the opportunity to enter their reaction as an addendum to the written summary;
- (5) arrange for the applicant(s) and the caseworker to sign the summary after it has been reviewed and any addendum has been attached; and
- (6) provide a dated written notice of approval to applicant.

(f) Discontinue a study process and by mutual consent:

- (1) the applicant's record shall reflect the discussion leading to such mutual agreement to discontinue; and
- (2) the applicant shall be informed in writing of the discontinuation of the adoption study.

(g) Reject an applicant:

- (1) during a study if his lack of cooperation does not permit the study to be carried out; or
- (2) if it is determined after a thorough adoption study based on casework principles that he is:

- (i) physically incapable of caring for an adopted child;
- (ii) emotionally incapable of caring for an adopted child; or
- (iii) that his approval would not be in the best interests of children awaiting adoptions.

(3) A decision to reject an applicant shall be made by at least two staff members in conference, one of whom shall be at a supervisory level.

(4) The record shall reflect the names of the participants in the decision and the reason for the decision.

(5) The agency must inform the applicant in writing that he has not been accepted, stating its reason(s) for rejection. If the rejection is based in whole or in part on the existence of an indicated report of child abuse or maltreatment, that fact and the reasons therefor must be included in the notice.

(6) The notification shall offer the applicant the opportunity to discuss this decision in person with the worker's supervisor.

(7) The notification must inform the applicant that he may apply for a hearing before the department pursuant to section 372-e of the Social Services Law regarding the rejection of the application and must state the procedure to be used for this purpose.

(8) If the reason for the rejection is based in whole or in part on the existence of an indicated report of child abuse or maltreatment, the agency must comply with the provisions of section 421.16(o) of this Part pertaining to notice of right to a hearing pursuant to section 424-a of the Social Services Law.

(h) Conclude an adoption study process in either discontinuation, rejection, or approval within four months of initiation:

(1) except where illness or geographic absence of the applicant makes him/her unavailable for a substantial part of said four-month period. In such a case, the record shall clearly show such unavailability and what efforts were made to contact the applicant; or

(2) provided, however, where an adoption study has been interrupted by unavailability of agency staff, the period of four months may be extended, but to not more than six months, if the applicant agrees to such extension in writing. If the applicant agrees to delay in order to avoid caseworker change, the record must show when this agreement was obtained. If the applicant does not accept such delay, the study must be concluded within the four months through the utilization of substitute staff or purchase of service.

(i) At the conclusion of the adoption study process, the registering agency shall update the adoptive parent registry required by section 424.3(a) of this Title, either by noting that an applicant has had the study approved or, in the case of a study resulting in either discontinuation or rejection, removing the applicant from the registry.

18 CRR-NY 421.15
Current through September 30, 2020

END OF DOCUMENT

EXHIBIT B

From: [Day, Julia \(DHR\)](#)
To: [Mark Lippelmann](#); dhr.sm.roc.syr
Cc: [Roger Brooks](#); dhr.sm.roc.syr
Subject: RE: New Hope Family Services, Inc., #10213155 Response requested
Date: Monday, October 4, 2021 1:03:07 PM
Attachments: [image001.jpg](#)
[image002.png](#)

EXTERNAL

This is correct; thank you.

I just want to re-emphasize that the response should be emailed to roc.syr@dhr.ny.gov; for convenience, I am copying this email to that address, which is our office in-box.

Sincerely,

Julia B. Day

She/Her/Hers

Regional Director, Rochester/Syracuse Office

New York State Division of Human Rights

259 Monroe Avenue, Suite 308

Rochester, NY 14607

585-238-8252 (phone)

585-445-6003 (fax)

Julia.Day@dhr.ny.gov

www.dhr.ny.gov

register-to-vote



This transmission and its attachments may contain confidential or privileged information, which is intended for use by the individual or entity to which the transmission is addressed. If you are not the intended recipient, you are hereby notified that any disclosure, dissemination, copying, or distribution of this transmission or its attachments is strictly prohibited. If you have received this transmission in error, please notify the sender immediately at the above address and delete the transmission and its attachments.

From: Mark Lippelmann <mlippelmann@adflegal.org>

Sent: Monday, October 4, 2021 3:59 PM

To: Day, Julia (DHR) <Julia.Day@dhr.ny.gov>; dhr.sm.roc.syr <Roc.Syr@dhr.ny.gov>

Cc: Roger Brooks <rbrooks@adflegal.org>

Subject: RE: New Hope Family Services, Inc., #10213155 Response requested

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Ms. Day:

Thank you for your response. By this email, I am confirming that you have authorized, and will allow, an extension of time until October 18, 2021 for New Hope to submit a response. Please let me know if that is incorrect.

From: Day, Julia (DHR) <Julia.Day@dhr.ny.gov>

Sent: Monday, October 4, 2021 10:24 AM

To: Mark Lippelmann <mlippelmann@adflegal.org>; dhr.sm.roc.syr <Roc.Syr@dhr.ny.gov>

Cc: Roger Brooks <rbrooks@adflegal.org>

Subject: RE: New Hope Family Services, Inc., #10213155 Response requested

EXTERNAL

I'm afraid that a 30 day extension would be out of the question; extensions of that length are never authorized by this office.

The maximum extension that I can authorize is until **October 18, 2021**. The response should be submitted via email to our office email box at roc.syr@dhr.ny.gov.

It may be noted that the respondent has already had from August 23, 2021 to September 22, 2021 when it was anticipated that a response would be required on the September 22 date; as you know, it was only on September 20 when proceedings were delayed based on the respondent's request, so it is expected that a response would have been almost completed by that date.

Thank you for your cooperation. If you have any questions, please do not hesitate to contact me.

Very truly yours,

Julia B. Day

She/Her/Hers

Regional Director, Rochester/Syracuse Office

New York State Division of Human Rights

259 Monroe Avenue, Suite 308

Rochester, NY 14607

585-238-8252 (phone)

585-445-6003 (fax)

Julia.Day@dhr.ny.gov

www.dhr.ny.gov

register-to-vote



This transmission and its attachments may contain confidential or privileged information, which is intended for use by the individual or entity to which the transmission is addressed. If you are not the intended recipient, you are hereby notified that any disclosure, dissemination, copying, or distribution of this transmission or its attachments is strictly prohibited. If you have received this transmission in error, please notify the sender immediately at the above address and delete the transmission and its attachments.

From: Mark Lippelmann <mlippelmann@adflegal.org>
Sent: Monday, October 4, 2021 1:12 PM
To: Day, Julia (DHR) <Julia.Day@dhr.ny.gov>; dhr.sm.roc.syr <Roc.Syr@dhr.ny.gov>
Cc: Roger Brooks <rbrooks@adflegal.org>
Subject: RE: New Hope Family Services, Inc., #10213155 Response requested

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Ms. Day:

Good afternoon, and thank you for offering to discuss additional time for New Hope to submit its response. I currently have several pressing litigation matters, and based on your statement that New Hope would *not* be required to submit a response at this time, I planned to have some time out of the office. Please advise whether the Division will grant New Hope a 30-day extension to respond (November 11, 2021).

From: Day, Julia (DHR) <Julia.Day@dhr.ny.gov>
Sent: Monday, October 4, 2021 7:38 AM
To: Mark Lippelmann <mlippelmann@adflegal.org>; dhr.sm.roc.syr <Roc.Syr@dhr.ny.gov>
Cc: Roger Brooks <rbrooks@adflegal.org>
Subject: RE: New Hope Family Services, Inc., #10213155 Response requested
Importance: High

EXTERNAL

Dear Mr. Lippelmann:

Please be advised that the New York State Division of Human Rights is now proceeding with investigation of the subject case.

Please submit the respondent's response to the complaint by **October 12, 2021** or please contact me if you feel that this does not afford sufficient time.

Thank you for your cooperation. If you have any questions, please do not hesitate to contact me.

Very truly yours,

Julia B. Day

She/Her/Hers

Regional Director, Rochester/Syracuse Office

New York State Division of Human Rights

259 Monroe Avenue, Suite 308

Rochester, NY 14607

585-238-8252 (phone)

585-445-6003 (fax)

Julia.Day@dhr.ny.gov

www.dhr.ny.gov



This transmission and its attachments may contain confidential or privileged information, which is intended for use by the individual or entity to which the transmission is addressed. If you are not the intended recipient, you are hereby notified that any disclosure, dissemination, copying, or distribution of this transmission or its attachments is strictly prohibited. If you have received this transmission in error, please notify the sender immediately at the above address and delete the transmission and its attachments.

From: Day, Julia (DHR)

Sent: Wednesday, September 22, 2021 4:58 PM

To: Mark Lippelmann <mlippelmann@adflegal.org>; dhr.sm.roc.syr <Roc.Syr@dhr.ny.gov>

Cc: Downey, Caroline (DHR) <Caroline.Downey@dhr.ny.gov>; Roger Brooks <rbrooks@adflegal.org>

Subject: RE: New Hope Family Services, Inc., #10213155

Please be advised that the respondent is not being required to submit a response on this date. The New York State Division of Human Rights will contact you when additional information is needed.

Very truly yours,

Julia B. Day

She/Her/Hers

Regional Director, Rochester/Syracuse Office
New York State Division of Human Rights
259 Monroe Avenue, Suite 308
Rochester, NY 14607
585-238-8252 (phone)
585-445-6003 (fax)
Julia.Day@dhr.ny.gov
www.dhr.ny.gov



This transmission and its attachments may contain confidential or privileged information, which is intended for use by the individual or entity to which the transmission is addressed. If you are not the intended recipient, you are hereby notified that any disclosure, dissemination, copying, or distribution of this transmission or its attachments is strictly prohibited. If you have received this transmission in error, please notify the sender immediately at the above address and delete the transmission and its attachments.

From: Mark Lippelmann <mlippelmann@adflegal.org>
Sent: Wednesday, September 22, 2021 3:42 PM
To: dhr.sm.roc.syr <Roc.Syr@dhr.ny.gov>
Cc: Downey, Caroline (DHR) <Caroline.Downey@dhr.ny.gov>; Day, Julia (DHR) <Julia.Day@dhr.ny.gov>; Roger Brooks <rbrooks@adflegal.org>
Subject: FW: New Hope Family Services, Inc.
Importance: High

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Good afternoon:

I represent New Hope Family Services, Inc. in relation to an administrative complaint (Case no. 10213155). The Division granted New Hope an extension of time until today, September 22, 2021, to submit its response. The Division's initial letter to New Hope said that the Division will not "grant more than one extension *barring extremely compelling circumstances.*" As explained in my email below to the Division's General Counsel and Syracuse Regional Director, intervening events (including a federal lawsuit filed to enjoin the Division's investigation) constitute extremely compelling circumstances that warrant an additional 30-day extension of time. To ensure that New Hope can reserve its rights if necessary, please advise as soon as possible today whether the Division will grant the requested extension.



Mark Lippelmann
Senior Counsel
+1 480 444 0020 (Office)
480-444-0028 (Fax)
mlippelmann@adflegal.org
ADFlegal.org

This e-mail message from Alliance Defending Freedom and any accompanying documents or embedded messages is intended for the named recipients only. Because Alliance Defending Freedom is a legal entity engaged in the practice of law, this communication contains information, which may include metadata, that is confidential, privileged, attorney work product, or otherwise protected from disclosure under applicable law. If you have received this message in error, are not a named recipient, or are not the employee or agent responsible for delivering this message to a named recipient, be advised that any review, disclosure, use, dissemination, distribution, or reproduction of this message or its contents is strictly prohibited. If you have received this message in error, please immediately notify the sender and permanently delete the message.
PRIVILEGED AND CONFIDENTIAL - ATTORNEY-CLIENT COMMUNICATION/ATTORNEY WORK PRODUCT.

From: Mark Lippelmann
Sent: Wednesday, September 22, 2021 12:12 PM
To: caroline.downey@dhr.ny.gov
Cc: Roger Brooks <rbrooks@adflegal.org>; julia.day@dhr.ny.gov
Subject: New Hope Family Services, Inc.
Importance: High

Caroline:

Good afternoon. I represent New Hope Family Services, Inc., a Syracuse-based Christian adoption agency. As you may know, both the Second Circuit Court of Appeals and the U.S. District Court for the Northern District of New York have preliminarily recognized New Hope's constitutional rights to devote its private energies and resources to placing infants with families consisting of a married mother and father. And the District Court issued an in-force federal injunction prohibiting enforcement of a New York law that infringes those rights. Yet on August 23, 2021, the Division demanded that New Hope submit a response in an investigation of the very same protected conduct, with threats of penalties including fines and imprisonment (Case No. 10213155). As a result, New Hope was forced to file a *second* federal lawsuit to enjoin the Division from violating the same constitutional rights already recognized by the Second Circuit and the District Court (a courtesy copy of the complaint is attached).

New Hope requested and obtained an extension of time to respond to the administrative complaint until today, September 22, 2021. Please advise whether the Division will grant an additional 30-day extension of time to respond to the administrative complaint. This additional extension will not prejudice either party, and will allow the parties sufficient time to discuss the federal complaint, which would determine the Division's ability to investigate in the first place. Please respond by 4:00pm EDT to ensure that New Hope has an opportunity to reserve its rights in the administrative forum, if necessary.

EXHIBIT C



October 18, 2021

Julia B. Day, Regional Director
NYS Division of Human Rights
333 E. Washington Street, Room 543
Syracuse, New York 13202

Dear Ms. Day,

Respondents New Hope Family Services, Inc., and Kathy Jerman, in her official capacity as Executive Director (collectively, “New Hope”), submit their response to Complainant’s verified complaint. New Hope denies that the Division of Human Rights has jurisdiction over it. Without waiving its jurisdictional and other defenses, New Hope submits this response solely to prevent the Division from seeking to unlawfully enforce the penalties of imprisonment and fines threatened in its August 23, 2021 letter to New Hope. The Respondent Information Sheet is attached as Exhibit 1.

Complainant charges New Hope “with an unlawful discriminatory practice relating to public accommodation in violation of Article 15 of the Executive Law of the State of New York (Human Rights Law) because of marital status [and] sexual orientation.” V. Compl. at 1. The Division should stay any investigation and dismiss the verified complaint for three reasons. *First*, two federal courts have already condemned—and an in-force injunction currently prohibits—the State’s efforts to force New Hope to change its faith-based choice to work with adoptive families built around a mother and father committed to each other in marriage. *Second*, New Hope is not a public accommodation. *Third*, Complainant lacks standing because he was not denied any service or benefit.

FACTUAL BACKGROUND

New Hope is a religious not-for-profit corporation duly incorporated under the laws of New York. For more than 56 years, New Hope has worked with birthmothers and adoptive parents to place more than 1,000 children into permanent homes. New Hope’s Christian faith and religious beliefs motivate and permeate all of its activities.

New Hope believes that God created marriage to consist of the union of one man and one woman for life, that a family built around this type of marriage is designed by God as the ideal and healthiest family structure for the upbringing of

Julia B. Day, Regional Director

Oct. 18, 2021

Page 2

children, and that placement with a family consisting of a mother and father committed to each other for life in marriage is therefore in the best interests of each child that is entrusted to New Hope for placement.

As a result of this priority and its beliefs, New Hope does not devote its private resources to placing children with unmarried couples or same-sex couples. At the same time, New Hope does not “reject” unmarried or same-sex applicants, as a formal rejection could complicate those applicants’ ability to later obtain approval through any agency. Instead, New Hope respectfully informs them that, because of its beliefs as a Christian ministry, New Hope cannot be the agency to serve them, and New Hope is willing to provide referrals to numerous other agencies that can.

In order to scrupulously ensure its autonomy to operate in accordance with its religious beliefs, New Hope accepts no government funding. Its operations are entirely funded by private contributions and by fees paid by couples with which New Hope works to perform home studies and complete adoptions. New Hope does not provide adoption services to the general public. Rather, it does so only for a modest number of couples each year—a group that results from selection by both New Hope and the couples themselves. On New Hope’s side, that selection occurs during a lengthy screening process that includes background checks, medical exams, and an intensive and deeply personal home study process.

In 2018, the New York Office of Child and Family Services (“OCFS”) demanded that New Hope begin working with unmarried and same-sex couples or else lose its authorization to act as an adoption agency under 18 CRR-NY § 421.3(d). On December 6, 2018, New Hope filed suit in federal court contending that the State’s demand violated New Hope’s rights of Free Speech and Free Exercise of Religion. On July 21, 2020, the U.S. Court of Appeals for the Second Circuit held that the State’s demand likely violated New Hope’s constitutional rights. *New Hope Fam. Servs., Inc. v. Poole*, 966 F.3d 145 (2d Cir. 2020), attached as Exhibit 2.

On October 5, 2020, guided by the Second Circuit’s decision, the District Court for the Northern District of New York held that New Hope was likely to prevail on both its Free Speech and its Free Exercise claims, and preliminarily enjoined OCFS from requiring New Hope to work with unmarried or same-sex couples, or penalizing it for declining to do so by revoking its authorization to act as an adoption agency. *New Hope Fam. Servs., Inc. v. Poole*, 493 F. Supp. 3d 44 (N.D.N.Y. 2020), attached as Exhibit 3. That injunction remains in force.

On August 19, 2021, Complainant sent an email to New Hope that read “I’m extremely interested in your adoption program! May you tell me a bit about it?”

Julia B. Day, Regional Director

Oct. 18, 2021

Page 3

Compl. Form, Ex. 1 at 2. The next day, on Friday, August 20, New Hope director Kathy Jerman responded with her standard email containing basic information, including the fact that (as permitted and protected by a federal injunction), “Because of New Hope’s convictions as a Christian adoption service, New Hope works with adoptive families built around a married husband and wife. Others may be eligible to adopt under New York law, and upon request New Hope can provide contact information about other adoption services in the area.” Compl. Form, Ex. 1 at 1. Less than one hour later, Complainant replied, mentioning New Hope’s regular outside counsel *by name* and asserting that New Hope’s practices violate New York law. Complainant’s Reply Email Dated Aug. 20, 2021, attached as Exhibit 4.

RESPONSE TO COMPLAINT

I. The Division should stay this investigation pending resolution of a related federal lawsuit with an in-force injunction.

In a pending lawsuit regarding the very same conduct challenged here, two federal courts have already held that the State of New York likely violates New Hope’s constitutional rights by forcing it to violate its faith-based conviction that infants should be placed into families built around a mother and father committed to each other in marriage. *See New Hope*, 966 F.3d at 145; *New Hope*, 493 F. Supp. 3d at 63. Indeed, the State is presently *enjoined* from using one of its executive agencies (OCFS) to penalize New Hope’s faith-based choice by enforcing Section 421.3(d), a regulation that Complainant repeatedly cites in his complaint. *New Hope*, 493 F. Supp. 3d at 63 (enjoining application of Section 421.3(d) against New Hope); Compl. Form at 5 (alleging that New Hope is subject to—and violates—Section 421.3(d)). These legal protections were only bolstered by the Supreme Court’s unanimous decision in *Fulton v. City of Philadelphia*, which held that a nondiscrimination law may violate a religious adoption agency’s Free Exercise rights by putting the agency to the choice of curtailing its mission or affirming relationships that violate its religious convictions. 141 S. Ct. 1868, 1876 (2021), attached as Exhibit 5.

Here, Complainant asks the Division to find that New Hope is subject to Section 421.3(d) and that its choice to work with families built around a married husband and wife violates N.Y. Exec. Law § 296, the State’s human rights law prohibiting discrimination in public accommodations. But courts have already held that Section 421.3(d) is likely unconstitutional as applied to New Hope, and the conduct that Complainant challenges under Section 296 is the same conduct that federal courts have already found protected by the First Amendment. So at a

Julia B. Day, Regional Director

Oct. 18, 2021

Page 4

minimum, the Division should stay this investigation pending resolution of the related federal lawsuit regarding New Hope's constitutional rights.

Finally, on information and belief, Complainant's purported query to New Hope was not made as part of a good faith effort to obtain adoption services, but rather was made with awareness of the widely publicized pending litigation and preliminary injunctions protecting New Hope's right to conduct adoption services in a manner consistent with its faith, and for the sole purpose of harassing New Hope. Indeed, the face of the complaint reveals that Complainant has already been approved for foster care or adoption by three other agencies. Compl. Form, Exs. 4, 5, 6. And less than one hour after sending his purported inquiry, Complainant was ready with a reply that alleged legal violations and identified New Hope's regular counsel by name. And the very next business day, Complainant was ready to file a detailed complaint with over 30 pages of exhibits.

II. The complaint should be dismissed because New Hope is not a public accommodation.

The possibility of any violation—and the jurisdiction of the Division—depends upon New Hope being a “public accommodation.” But the Supreme Court rejected the contention that a similarly situated faith-based adoption agency is a public accommodation. *Fulton*, 141 S. Ct. at 1868, 1881. Like the adoption agency in *Fulton*, New Hope does not offer adoption services to the general public, but only for a modest number of couples selected during a lengthy screening process that includes background checks, medical exams, and an intensive and deeply personal home study process. *See id.* Indeed, the Second Circuit Court of Appeals disparaged as “surprising” and strained any contention that New Hope might be a public accommodation under New York law. *New Hope*, 966 F.3d at 166. Because New Hope is not a public accommodation as a matter of law, the Division should dismiss the complaint.

III. The complaint should be dismissed for lack of standing and ripeness.

The Division should dismiss the complaint for lack of standing and ripeness. Complainant alleges that New Hope violated New York's human rights law, which makes it unlawful for a public accommodation “to refuse, withhold from or deny” services or benefits. N.Y. Exec. Law § 296(2)(a). But as explained above, New Hope is not a public accommodation, and the face of the complaint negates any allegation that Complainant requested adoption services or that New Hope refused, withheld, or denied such services to Complainant. Indeed, Complainant's only request was for New Hope to “tell me a bit about” its adoption program. Compl. Form, Ex. 1 at 2.

Julia B. Day, Regional Director

Oct. 18, 2021

Page 5

And New Hope's response did not deny any request for adoption services, but merely provided the general information that Complainant requested, including an accurate description of New Hope's beliefs and practices as protected by the in-force injunction. *Id.* at 1. Because Complainant did not request—and New Hope did not deny—adoption services, Complainant lacks standing to assert a violation of Section 296 and the complaint is not ripe.

IV. New Hope's responses to each of Complainant's factual allegations

Much of the complaint consists of Complainant's citation and quotation of statutes and regulations, which do not call for any response. In response to the factual and legal allegations stated in the complaint, New Hope states as follows:

- New Hope lacks information sufficient to admit or deny that Complainant is a single homosexual male.
- New Hope denies that it is a public accommodation. As explained above, authority from the Supreme Court and the Second Circuit Court of Appeals confirms that New Hope is *not* a public accommodation.
- New Hope admits that it is authorized by OCFS to provide adoption services. However, New Hope denies Complainant's suggestion that its authorization by OCFS renders New Hope a public accommodation.
- New Hope denies that it is "liable for 18 CRR-NY 421.3(d)." As explained above, after two federal courts held that the State's application of Section 421.3(d) to New Hope likely violates its constitutional rights, a federal court issued an in-force injunction prohibiting the State (through OCFS) from enforcing Section 421.3(d) against New Hope.
- New Hope denies that it is subject to N.Y. Exec. Law § 296 or to a Division of Human Rights investigation because "it provides services to the public, i.e. adoption services." As explained above, New Hope is not a public accommodation as a matter of law.
- New Hope denies that its "religious and/or private status need not matter as it is subjected to both 18 CRR-NY § 421.3(d) and N.Y. Exec. Law § 296." Neither Section 421.3(d) nor N.Y. Exec. Law § 296 can lessen New Hope's constitutional rights or preclude New Hope from relying on its status as a private religious institution to continue speaking and practicing its religious convictions. As explained above, the Supreme Court, the Second

Julia B. Day, Regional Director

Oct. 18, 2021

Page 6

Circuit Court of Appeals, and the U.S. District Court for the Northern District of New York have confirmed that New Hope's constitutional rights preclude application of nondiscrimination laws that infringe their rights. Indeed, an in-force injunction currently prevents the State from applying Section 421.3(d) against New Hope. Further, Section 296 itself contains an express religious exception which would exempt New Hope and its policies from the coverage of Section 296 even if New Hope were a "public accommodation." *See* N.Y. Exec. Law §296(11).

- New Hope denies that it "admits to discriminating in its application process and admissions process" by stating that it works with adoptive families built around a married husband and wife. As explained above, New Hope's constitutional rights protect its right to speak and act in a manner consistent with its convictions, and New Hope does not "reject" single or same-sex applicants, but respectfully offers to refer them to other agencies.
- New Hope denies that it showed discriminatory motivation by stating that, "others [beyond a married husband and wife] may be eligible to adopt under New York law, and upon request New Hope can provide contact information about other adoption services in the area." As explained above, New Hope's constitutional rights protect its right to speak and act in a manner consistent with its convictions, and New Hope's offer of referral assistance negates any allegation that it seeks to prevent single or homosexual individuals from pursuing adoption services.
- New Hope denies that Complainant suffered an adverse action or a denial of any request for adoption services. Complainant did not request adoption services, but instead, merely asked New Hope to "tell me a bit about" its adoption program. In response to Complainant's email, New Hope provided the information requested, and its response email did not deny any request for adoption services. Further, as explained above, New Hope does not "reject" single or same-sex applicants, but respectfully offers to refer them to other agencies.
- New Hope lacks information sufficient to admit or deny that Complainant is qualified and eligible to receive adoption services from New Hope or any other agency.

Julia B. Day, Regional Director
Oct. 18, 2021
Page 7

CONCLUSION

For the foregoing reasons, New Hope respectfully requests that the Division dismiss the complaint. In the alternative, and at a minimum, New Hope respectfully requests that the Division stay all proceedings in this matter pending resolution of a related federal lawsuit regarding the same conduct that Complainant challenges here.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "Mark A. Lippelmann", written in a cursive style.

Mark A. Lippelmann
Counsel for Respondents

Enclosure(s)

Exhibit 1: Respondent Information Sheet

Exhibit 2: *New Hope Fam. Servs., Inc. v. Poole*, 966 F.3d 145 (2d Cir. 2020)

Exhibit 3: *New Hope Fam. Servs., Inc. v. Poole*, 493 F. Supp. 3d 44 (N.D.N.Y. 2020)

Exhibit 4: Complainant's Reply Email Dated Aug. 20, 2021

Exhibit 5: *Fulton v. City of Philadelphia*, 141 S. Ct. 1868, 1876 (2021)

EXHIBIT D

N.D.N.Y.
18-cv-1419
D'Agostino, J.

United States Court of Appeals
FOR THE
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 4th day of November, two thousand nineteen.

Present:

José A. Cabranes,
Reena Raggi,
Circuit Judges,
Edward R. Korman,*
District Judge.

New Hope Family Services, Inc.,

Plaintiff-Appellant,

v.

No. 19-1715

Sheila J. Poole, in her official capacity as Acting Commissioner for the Office of Children and Family Services for the State of New York,

Defendant-Appellee.

FOR PLAINTIFF-APPELLANT: Roger G. Brooks, Alliance Defending Freedom, Scottsdale, AZ.

FOR DEFENDANT-APPELLEE: Laura Etlinger, Assistant Solicitor General, Andrea Oser, Assistant Solicitor General, Barbara D. Underwood, Solicitor General, *for* Letitia James, Attorney General, State of New York, Albany, NY.

Plaintiff New Hope Family Services, Inc. (“New Hope”), is a Christian ministry

* Judge Edward R. Korman, of the United States District Court for the Eastern District of New York, sitting by designation.

incorporated under the laws of New York and authorized to provide adoption services within that state. It does not provide those services pursuant to any contract with the State, nor does it receive any State funding.

New Hope is before this court on appeal from the dismissal of its action in the United States District Court for the Northern District of New York challenging on First Amendment grounds defendant's decision to condition New Hope's continued adoption authorization on its confirmation of compliance with 18 NYCRR § 421.3(d). That regulation states that "[a]uthorized agencies providing adoption services shall . . . prohibit discrimination and harassment against applicants for adoption services on the basis of," *inter alia*, "sex, sexual orientation, gender identity or expression, [or] marital status." 18 NYCRR § 421.3(d). New Hope asserts that it cannot provide the requested confirmation consistent with its religious beliefs, which do not permit it to certify a same-sex or cohabiting-unmarried couple as adoptive parents. OCFS does not appear to question the sincerity of New Hope's religious beliefs. Nevertheless, it maintains that such beliefs cannot excuse New Hope from complying with laws of general application such as § 421.3(d).

New Hope now moves this court for a preliminary injunction to prevent defendant from enforcing its § 421.3(d) confirmation demand pending appeal. Specifically, it seeks an order that allows it to continue providing various adoption services that have already begun and that are ongoing. At the same time, it agrees not to accept ANY new prospective adoptive parents for its services. It further agrees to provide defendant with various information relative to its adoption services.¹

Four factors are properly considered in deciding whether to grant New Hope a preliminary injunction pending appeal: (1) the likelihood of it succeeding on the merits, (2) the likelihood of it suffering irreparable injury without such an injunction, (3) the likelihood of substantial injury to defendant if an injunction is issued, and (4) the public interest. *See, e.g., Mohammed v. Reno*, 309 F.3d 95, 100–01 (2d Cir. 2002). In considering these factors, "[t]he probability of success that must be demonstrated is inversely proportional to the amount of irreparable injury plaintiff[] will

¹ The terms New Hope proposes for the requested injunction were apparently developed during earlier negotiations between the parties, which failed in August 2019. At that point, defendant requested that, within fifteen days, New Hope confirm compliance with § 421.3(d) or begin closing its adoption program – which it describes as a "choice." Defendant has agreed to toll this period pending a ruling on New Hope's motion for a preliminary injunction. Because New Hope does not operate pursuant to a State contract or receive any state funding, the source of defendant's authority to demand closure is not apparent on the motion record. The parties are asked to clarify this point in their submissions to the merits panel.

suffer absent the [injunction].” *Id.* (quoting *Michigan Coalition of Radioactive Material Users, Inc. v. Griepentrog*, 945 F.2d 150, 153 (6th Cir. 1991) (brackets in *Mohammed*); *see id.* (citing approvingly to *Washington Metropolitan Area Transit Comm’n v. Holiday Tours, Inc.*, 559 F.3d 841, 843 (D.C. Cir. 1977) (stating that “necessary ‘level’ or ‘degree’ of possibility of success will vary according to the court’s assessment of the other . . . factors”). The last point is significant in this case because, while New Hope has a plausible First Amendment claim on appeal, the likelihood of it succeeding on that claim is difficult to assess in advance of full briefing. On the other hand, the likelihood of it sustaining serious, irreparable injury absent an injunction is evident and the remaining two factors also tilt decidedly in its favor.

The likelihood of New Hope succeeding on the merits requires careful review of complex precedent construing the First Amendment’s Free Exercise Clause.² *See* U.S. Const. amend. I. While that Clause undoubtedly prohibits the government from “compel[ing] affirmation of religious belief, punish[ing] the expression of religious doctrines it believes to be false, impos[ing] special disabilities on the basis of religious views or religious status, or lend[ing] its power to one or the other side in controversies over religious authority or dogma,” *Employment Div. v. Smith*, 494 U.S. 872, 877 (1990) (internal citations omitted), it does not “relieve an individual of the obligation to comply with a valid and neutral law of general applicability on the ground that the law proscribes (or prescribes) conduct that his religion prescribes (or proscribes),” *id.* at 879 (internal quotation marks omitted). Navigating between these two principles often depends on the precise circumstances at issue. *See Masterpiece Cakeshop, Ltd. v. Colo. Civil Rights Comm’n*, 138 S.Ct. 1719, 1727–29 (2018) (differentiating between clergy member’s refusal to perform gay marriage (“well understood in our constitutional order as an exercise of religion”), baker’s refusal to sell *any* cakes or goods for gay weddings (discriminatory commercial activity going “beyond any protected rights”), and baker’s refusal to use his artistic skills in way that expresses endorsement of gay wedding (warranting “neutral and respectful consideration of his claims” in particular circumstances)). Thus, courts considering Free Exercise Clause claims in the context of religious organizations providing adoption or foster care services have reached different conclusions depending on the circumstances. *Compare Fulton v. City of Philadelphia*, 922 F.3d 140 (3d Cir. 2019) (denying Catholic Social Services (“CSS”), which City funded to provide foster care services pursuant to contract, an injunction requiring City to renew contract even though CSS refused to certify same-sex couples as foster parents), *with Buck v. Gordon*, No. 1:19-CV-286, 2019 WL 4686425 (W.D. Mich. Sept. 26, 2019) (granting preliminary injunction to Catholic agency that did not certify same-sex couples as adoptive or foster-care parents, but did

² New Hope also raises compelled-speech and freedom-of-association claims under the First Amendment; they present equally challenging questions of law and fact, and therefore warrant no different analysis to decide this motion.

refer them to agencies that would so certify, upon finding that record as whole admitted strong inference that defendant's "real target" was religious beliefs, not discriminatory conduct). On the motion record here, the court can conclude only that New Hope may succeed on the merits of its appeal; the likelihood of such success cannot confidently be predicted in advance of reviewing the circumstances and law as more fully presented by the parties in their merits briefs.

What can be determined even on the motion record, however, is that New Hope will suffer irreparable injury without the requested preliminary injunction pending appeal. A denial of the injunction would trigger defendant's demand that, within fifteen days, New Hope either (1) compromise its religious beliefs by providing the demanded confirmation of compliance with § 421.3(d) or (2) close its adoption ministry. Both options demonstrate specific, irreparable First Amendment injury resulting from defendant's enforcement of § 421.3(d). *See Elrod v. Burns*, 427 U.S. 347, 373 (1976); *Bronx Household of Faith v. Bd. of Educ.*, 331 F.3d 342, 349–50 (2d Cir. 2003) (collecting cases).

At the same time, the motion record demonstrates that the requested injunction causes defendant no serious injury. This is in no small part due to New Hope's agreement not to accept any new prospective adoptive parents for adoption services, thereby avoiding future disparate treatment of same-sex and unmarried couples relative to other prospective adoptive parents pending appeal. In urging otherwise, defendant submits that, under the proposed injunction, same-sex and unmarried couples who previously refrained from using or were excluded from New Hope's services, will continue to be excluded from the opportunity to adopt children that New Hope is in a position to place. At present, such injury must be viewed as more hypothetical than real because the motion record does not demonstrate the existence of any such couples.³

In any event, the strong public interest pertaining to adoption services, *i.e.*, the welfare of children, both those already adopted and those awaiting adoption, is best served by granting rather than denying the requested injunction. By allowing New Hope to continue supervising placements already made (and with which it is therefore particularly familiar), the injunction ensures continued informed supervision without unnecessary disruption to the families involved. By allowing New Hope to continue its review of already pending adoption applications, the injunction avoids delaying the benefits of adoption to children awaiting placement. To be sure,

³ In its complaint, New Hope alleges that it has never denied a same-sex or unmarried couple's adoption application. Rather, when such couples have approached New Hope about adoption, it has referred them to another provider or the country social services office. Nothing in the motion record indicates whether such couples were or were not able to pursue adoptions by these alternative channels, much less the legal significance of any such post-referral activity.

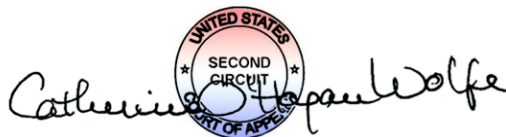
the public also has an interest in there being equal access to public services, but that concern is significantly reduced here by New Hope's agreement not to accept any new applicants for adoptive services pending this appeal.

The court having thus determined that the equities warrant granting New Hope's motion for a preliminary injunction, it is hereby ORDERED that, pending a decision on this appeal,

1. Defendant shall not require New Hope to confirm its compliance with 18 NYCRR § 421.3(d).
2. New Hope shall not accept any new prospective adoptive parents for adoption services.
3. New Hope may continue the adoption study process for any individuals who completed New Hope's orientation prior to the commencement of this lawsuit.
4. New Hope shall provide the New York State Office of Children and Family Services ("OCFS") with a list naming each applicant to be an adoptive parent and each approved adoptive parent.
5. New Hope may continue to supervise placements of children in its legal custody.
6. New Hope may continue to accept surrenders of children and to place out children with approved adoptive applicants.
7. New Hope will inform OCFS when a child is placed with an approved adoptive parent as well as when an adoption is finalized.

The court having ordered that the appeal be expedited, the matter will remain with this panel, which will hear argument on November 13, 2019 at 1:00 p.m.

FOR THE COURT:
Catherine O'Hagan Wolfe, Clerk of Court


Catherine O'Hagan Wolfe

