

COURT OF APPEALS OF THE STATE OF NEW YORK

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| DEBRA H., | | : |
| | Petitioner-Appellant, | : |
| | - against - | : |
| | | : |
| JANICE R., | | : |
| | Respondent-Respondent. | : |
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NOTICE OF MOTION OF THE NATIONAL ASSOCIATION OF SOCIAL WORKERS, THE NATIONAL ASSOCIATION OF SOCIAL WORKERS' NEW YORK STATE CHAPTER, AND THE NATIONAL ASSOCIATION OF SOCIAL WORKERS' NEW YORK CITY CHAPTER TO FILE AN *AMICI CURIAE* BRIEF IN SUPPORT OF PETITIONER-APPELLANT DEBRA H.'S APPEAL

PLEASE TAKE NOTICE that the undersigned will move this Court, at the courthouse thereof, located at 20 Eagle Street, Albany, NY 12207 on the 7th of December 2009, or as soon thereafter as counsel may be heard, for an order granting permission to the National Association of Social Workers ("NASW"), the National Association of Social Workers' New York State chapter, and the National Association of Social Workers' New York City chapter to file the *amici curiae* brief attached hereto as Exhibit A in support of Petitioner-Appellant Debra H.'s appeal in the above-referenced matter, and for such other and further relief as the Court may deem just and proper.

On September 1, 2009, this Court accepted NASW's *Amici Curiae* Brief in Support of Petitioner-Appellant's Motion for Leave to Appeal as filed both in support of the Motion for Leave to Appeal and in support of Petitioner-Appellant's subsequent appeal. However, the NASW, along with its New York State and New York City chapters, respectfully requests that it be permitted to file in support of Debra H.'s appeal the attached *amici curiae* brief, as it offers, among other things, a fuller survey of relevant social science and a discussion of other circumstances pertinent to Debra H.'s appeal. Should the Court grant this motion to file the attached *amici curiae* brief, we further request that our earlier brief which was accepted as filed on September 1, 2009 be withdrawn for purposes of the appeal.

NASW is the largest association of professional social workers in the world, with 145,000 members. The New York State chapter and the New York City chapter, with 11,000 members and 10,000 members respectively, are two of 56 NASW chapters in the United States and abroad. As part of its mission to improve the quality and effectiveness of social work practice, NASW promulgates professional standards and the NASW Code of Ethics, conducts research, provides continuing education, and advocates for sound public policies, including by filing *amicus curiae* briefs in appropriate cases.

NASW seeks to develop and disseminate high standards of social

work practice, while strengthening and unifying the profession as a whole by establishing and maintaining professional standards of practice, promulgating sound social policies, and providing services that protect its members and enhance their professional status. In addition to these services, NASW supports and publishes social science research on topics significant to the social work profession, provides continuing education and professional conferences for its members, and enforces its Code of Ethics.

Like the social work profession itself, NASW historically has addressed – among many other things – the interaction between people and their environments with an eye toward understanding how biological, psychological, interpersonal, environmental and cultural factors shape and influence them. Additionally, social workers have a long tradition of direct work with children in a wide range of practice settings, including hospitals, schools, mental health clinics, shelters, group homes, and private practice. Social workers provide counseling to families and children regarding family transitions, perform adoption home studies and post-placement evaluations, conduct child custody evaluations, and testify as expert witnesses in many legal proceedings affecting the welfare of children, including proceedings involving child custody and visitation, termination of parental rights, parental fitness, foster care and permanency planning, and adoptions.

NASW also develops and adopts policy statements to encourage the development of organizational responses to various social issues. NASW's family policy recognizes that gay and lesbian people are a part of existing families and provide important care and support to children, as well as to other family members. In 1977, NASW adopted its policy on gay, lesbian, and bisexual issues, and subsequently revised and expanded that policy in 1987, 1993, 1996, and 2005. NASW is committed by its policy statement, as well as its Code of Ethics, to advancing societal and legal policies and practices that will improve the lives of all children, including those raised in same-sex-parent families.

NASW anticipates that Petitioner-Appellant's briefing will fully address the legal reasons why it is in the best interest of New York children like M.R. for New York courts to allow psychological parents to petition for custody and visitation — just as biological or adoptive parents are permitted to do — and why it is therefore in the best interest of New York children to grant Debra H.'s motion for permission to appeal. As *amici curiae*, NASW and its New York State and New York City chapters seek to assist the Court by supplementing Petitioner-Appellant's legal arguments with peer-reviewed social science research supporting the conclusion that children suffer significant psychological and developmental harm when forcibly separated from adults who have functioned as their parents.

Given its preeminent role in the field of social work, NASW is

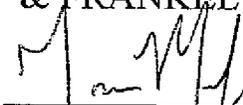
uniquely qualified to demonstrate to the Court that the Supreme Court's grant of a hearing to Debra H. is consistent with sound public policy and supported by a large body of peer-reviewed research regarding same-sex parenting and parent-child attachment bonds.

WHEREFORE, the National Association of Social Workers, along with its New York State and New York City chapters, respectfully requests that this Court grant their motion to file the attached *amici curiae* brief in support of Petitioner-Appellant Debra H.'s Appeal. Should the Court grant this motion to file the attached *amici curiae* brief, we further request that our earlier brief which was accepted as filed on September 1, 2009 be withdrawn for purposes of the appeal.

Respectfully submitted,

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Dated: New York, NY
November 12, 2009

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