



New York State Child Parent Security Act

May 11, 2020

On April 3, 2020, New York Governor Andrew Cuomo signed into law the New York State Child Parent Security Act (the "Act"), which reverses New York's decades-long ban on compensated surrogacy. The Act, which will take effect on February 15, 2021, is a landmark bill that will provide many New York residents legally protected access to certain assisted reproductive measures, including surrogacy, to finally expand their families where they otherwise might not have been able to. Below are a few of the important highlights of the Act:

- overturns New York's ban on compensated gestational surrogacy;
- amends the current laws regarding judgments of parentage of children conceived through assisted reproduction or pursuant to surrogacy agreements;
- legally establishes a child's relationship to his or her parents where a child is conceived through assisted reproduction including but not limited to artificial insemination, donation of gametes, donation of embryos, and in vitro fertilization;
- establishes procedures for obtaining judgment of parentage for intended parents of a child conceived through assisted reproduction and a child conceived pursuant to a surrogacy agreement;
- establishes requirements for enforceable surrogacy agreements, eligibility criteria to enter into a surrogacy agreement, grounds for termination of a surrogacy agreement, and establishment of parentage under a surrogacy agreement;
- establishes guidelines for payment to donors and persons acting as surrogates including reimbursement, and terms of compensation; and
- provides a Surrogates' Bill of Rights regarding health and welfare decisions, independent legal counsel, health insurance and medical costs, counseling, life insurance and termination of surrogacy agreement.

Our Assisted Reproductive Technology legal team at Rupp Baase Pfalzgraf Cunningham LLC is ready and eager to assist you in navigating the legal process of your surrogacy journey. We understand firsthand how challenging and overwhelming this process can be, and want to help ease the burden for you. Please contact a member of our team to learn more about how we can help.



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