



*The Women's Bar Association
of the State of New York*

presents

*Convention 2023
Continuing Legal Education Series*

Paid Surrogacy in the State of New York

June 3, 2023
10:30 am - 11:30 am

Presenters: Margareat Donohoe Esq.
 Paul Talbert, Esq.

Legalization of Paid Surrogacy

Paul Talbert

Background

Matter of Baby M., 109 N.J. 296 (1988)

- Husband and wife enter a contract with a surrogate
- Contract stated that surrogate would also be the egg donor
- Surrogate was to carry the child and then waive all rights upon birth
- Surrogate then did not want to give up the child (Baby M)
- Went to the New Jersey Supreme Court, which ruled in favor of the husband and wife
- Overall, the court took a negative view towards surrogacy, and the influence was felt in other states, including New York
- Overall, the court took a negative view towards surrogacy, and the influence was felt in other states, including New York
 - New York prohibited all surrogacy and any surrogacy agreements in 1992.
- Any such agreement was in violation of New York Public Policy.
- In 1993, New York stated those involved in a surrogacy arrangement would face civil and/or criminal penalties.

Domestic Relations Law § 122

For decades surrogate parenting agreements were deemed void and unenforceable contrary to public policy

Domestic Relations Law § 123

If the surrogacy agreement provided for the surrogate to be compensated, the parties, their attorney, and any other entity involved were also subject to civil and potentially criminal penalties

Child Parent Security Act Basics

- Gives New York residents, the right to become parents through surrogacy.
- Signed into law on April 3, 2020
- Took effect on February 15, 2021.
- Contained in the New York Family Court Act, Article 5-C
- Establishes legal criteria for gestational surrogacy agreements
- Provides protections for parents and surrogates, ensuring all parties provide informed consent for every decision
- Includes the Surrogates' Bill of Rights which gives healthcare protections, insurance, and legal counsel to the surrogate.
- Gives protections to the non-biological parent

- The CPSA has been regarded as the most comprehensive and complete surrogacy law that has been adopted by any state

Gestational surrogacy:

The person who carries the fetus is called a "**surrogate**" or "**gestational carrier.**" The person or couple who are seeking to parent the baby or babies are called the "**intended parent(s)**"- New York State Department of Health.

Gestational Surrogacy & Traditional Surrogacy?

- Traditional surrogacy: the surrogate's own eggs are used, so she is the biological mother.
- Gestational surrogacy: The surrogate has no genetic connection to the child. The mother and father will be the Intended Parents.
- In New York, the surrogate cannot have a genetic connection to the child.
- Any agreements which include a genetic connection are unenforceable and parties could face penalties.
- Regardless of whether one or both Intended Parents have a genetic connection to the child, the Intended Parent can enter an enforceable surrogacy contract to and the pre-birth order of parentage.

Prospective Surrogates Eligibility Requirements FCA § § 581-402(a)

- (1) At least twenty-one years of age
- (2) United States citizen or a lawful permanent resident
- (3) Is not the provider of the egg used to conceive the resulting child
- (4) Completed an evaluation with a medical practitioner related to the upcoming pregnancy
- (5) Given informed consent for the surrogacy upon the medical practitioner informing surrogate of the risks
- (6) Represented throughout the contractual process and the duration of the contract and its execution by independent legal counsel of their own choosing
- (7) Surrogacy agreement stipulates that the person acting as surrogate will obtain a comprehensive health insurance policy
- (8) Have a life insurance policy (procured and paid for by the intended parents)

Prospective Intended Parent Eligibility Requirements FCA § § 581-402(b)

- (1) at least one intended parent is a United States citizen or a lawful permanent resident and was a resident of New York state for at least six months;
- (2) the intended parent or parents has been represented throughout the contractual process and

the duration of the contract and its execution by independent legal counsel of his, her or their own choosing who is licensed to practice law in the state of New York; and

(3) he or she is an adult person who is not in a spousal relationship, or adult spouses together, or any two adults who are intimate partners together, except an adult in a spousal relationship is eligible to enter into an enforceable surrogacy agreement without his or her spouse if:

(i) they are living separate and apart pursuant to a decree or judgment of separation or pursuant to a written agreement of separation subscribed by the parties thereto and acknowledged or proved in the form required to entitle a deed to be recorded; or

(ii) they have been living separate and apart for at least three years prior to execution of the surrogacy agreement.

(c) where the spouse of an intended parent is not a required party to the agreement, the spouse is not an intended parent and shall not have rights or obligations to the child.

New York Surrogate's Bill of Rights

- Found in article 5-C, Part 6 of the CPSA.
 - No other state has comparable provisions
 - Applicable to any surrogate in State of New York
 - These rights cannot be waived or limited
 - Offers medical, legal, and financial protections to surrogates.
- Six provisions:
 1. Health and welfare decisions
 2. Independent legal counsel
 3. Health insurance and medical costs
 4. Counseling
 5. Life insurance
 6. Termination of surrogacy agreement

Surrogacy Agreement § 581 (401-409)

Basics §403(a-h)

- Contract entered between the surrogate and the intended parents
- Date, city, and state where it is executed
- Outlines the requirements and parameters of the surrogacy arrangement
- Outlines escrow procedures
 - Funds for base compensation, additional expenses
- Names and information of all the parties involved
 - Including information where gametes originated, matching program

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- Signed by the participants before surrogate begins to take medication or starts any medical procedure related to the embryo transfer
- Eligibility of the parties
 - Medical, age, residency, independent counsel
- Signed by parties, in presence of two non-party witnesses

Terms of Agreement to Surrogate §403(i)(1)

- Surrogate is agreeing to undergo an embryo transfer and attempting to carry and give birth to the child
- The surrogate will surrender custody of the child/children immediately upon its birth
- Name of attorney representing surrogate and the spouse of the surrogate if applicable
- Acknowledgement that the Surrogate's Bill of Rights was received
- Agreement must allow and make clear that **the surrogate controls all health and welfare decisions**
 - Includes consent to cesarean section, multiple embryo transfer, termination of pregnancy, reduce/retain the number of fetuses or embryos
 - Surrogate can obtain counseling to address issues resulting from the participation in the surrogacy, paid by intended parents

Terms of Agreement to Intended Parent §403(i)(2)

- Agree that they will accept custody of children immediately after birth
 - Regardless of number of children, gender, mental or physical conditions
- Resume responsibility for all support of the children immediately after birth
- Include the name of the counsel representing the intended parents
- Rights and obligations of the intended parents are not assignable
 - Such obligations remain even through parents' separation/divorce
- Execution of a will by the intended parents

Termination of Agreement §581-405

- After the agreement, before pregnancy, either the surrogate or intended parent can terminate the agreement
- Released from all obligations except intended parents remaining responsible for reimbursable expenses incurred by the surrogate

Insufficient Surrogacy Agreement- §581-407

Unenforceable if agreement does not meet material requirements/substantially comply. Court will then determine parentage based on:

- Intent of the parties
- The best interests of the child
- Intended parents' absence of genetic connection is not a basis to deny legal parentage

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Absence of Surrogacy Agreement §581-408

- Parentage of the child determined by other laws of the state of New York

Dispute of Surrogacy Agreement §581-409

- Disputes other than parentage will be handled by the Supreme Court
- Determine rights and obligations of the parties

Compensation

FCA § 581-401(c)

- It is fully permissible, not required for surrogates to receive compensation from the Intended Parents.
- Commonly, the base compensation begins at the detection of the fetal heartbeat.
 - If parties are matched through a program, then the payments and schedule is set by the agency.

FCA § 581-502

- The CPSA does not make any recommendations or suggest dollar amounts.
 - Reasonable and negotiated in good faith
 - In total, the cost can be between \$100,000-\$125,000
 - This covers base compensation (around \$45,000-\$55,000) and any additional expenses.
 - Agency fees, surrogacy prescreening, medication fees, maternity clothes, legal fees, travel, insurance, escrow management.
- If there is an arrangement for compensation, the funds need to be placed into an escrow before the surrogate starts medications and preparations in transferring the embryo.
- Payments do not extend past 8 weeks after the birth of the child

Court Process (Judgement of Parentage)

- Judgement of Parentage confirms that the parents are the parents of the child
- Court does not create the relationship
 - Court which makes the determination of parentage has exclusive jurisdiction of all matters until the child is 180 days old §§ 581-201
 - May be brought in Supreme, Family, or Surrogate's Court
 - Can be issued prior to birth so it is valid at the time of birth
 - Relationship is enforced through the CPSA

Who Brings the Judgement of Parentage? §581-201

1. Child
2. Parent
3. Participant

4. Person with parentage
5. Social services official or other governmental or
6. Representative authorized by law to act for the individual

§ FCA 581-203(a)

- 1) Can be commenced in any county where an intended parents resided at the time following the surrogacy agreement
- 2) In the county where the child was born or resides
- 3) Or in the country where the surrogate resided after the surrogacy agreement

§ FCA 581-203(b)

- Petition for the judgement of parentage can be brought any time following the execution of the surrogacy agreement
 - If issued prior to birth, judgement doesn't become effective until the child is born

Must Include in a verified petition: §581-203(c)

1. Statement that the surrogate or at least one of the intended parents has been a resident of New York for at least six months
2. Certification from the attorney representing the intended parents that they have satisfied the requirements of the CPSA
3. Statement from the Surrogate that the surrogacy agreement was entered into knowingly and voluntarily

Declarations §581-203(d)

1. Intended parents are the only legal parents of the child
2. Surrogate is not the legal parent of the child
3. The donors are not the legal parents of the child
4. Ordering the surrogate to transfer the child to the legal parents
5. Ordering the legal parents to assume responsibility and maintenance of the child

Custody of the Child

- The CPSA makes it clear that **the newborn child is the child of the intended parents.**
- If custody is not transferred by the surrogate, then the court can order the transfer to occur
- There is no requirement in the CPSA that the surrogate maintain contact with the child.

Matching Programs

- New York is the first state to license gestational surrogacy organizations (matching programs).

- Ensures the health and safety of all the parties involved and gives extra protection for those who are looking into a surrogacy.
- The licensing process is through the New York State Department of Health
 - Enrolled and licensed surrogacy organizations are put into The Department of Health's Gestational Surrogate Registry
 - The registry is accessible through the department of health's website
 - Surrogate and the intended parents must be identified to one another.
 - Ultimately, it is the choice of both the potential surrogate and the potential intended parents to either decline or move forward with each other.

Final Notes

Surrogacy Legalization:

- New York's system has been praised for its thorough and ample protections it offers involved parties
- Ensures parentage and a legal relationship between the parents and child
- Only applies to gestational surrogacy; surrogate's egg is not used to conceive the child

Surrogate's Bill of Rights

- Surrogate has the right to make health and welfare decisions
- Independent legal counsel for surrogate
- Comprehensive insurance and medical coverages
- Surrogate can terminate the agreement after it is finalized but before the surrogate becomes pregnant

Matching Program

- Detailed process, describe background of surrogate and intended parents interests, goals, and hobbies, to practical matters like a surrogate's willingness to carry twins, and if the intended parents want to terminate the pregnancy, would the surrogate allow that.

Surrogacy Agreement

- Best and final chance to get on same page about the process
- Can include provisions that can be negotiated such as the delivery location and certain limitations on surrogate travel and activity.

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(Receipt No: _____ No: _____)

SURROGATE'S COURT OF THE STATE OF NEW YORK
COUNTY OF _____X

In the Matter of a Parentage Proceeding Concerning

PARENTAGE PETITION –
SURROGACY AGREEMENT

File No. _____

A Child conceived as a result of a Surrogacy Agreement.
_____X

TO THE SURROGATE'S COURT, COUNTY OF _____,

It is respectfully alleged:

1. The name, relationship, domicile, interest and telephone number of the petitioner(s) are as follows:

a. Name: _____ Interest: _____

Domicile: _____
(Street Address) (City/Town/Village)

(County) (State) (Zip) (Telephone Number)

Mailing address: _____
(If different from domicile)

b. Name: _____ Interest: _____

Domicile: _____
(Street Address) (City/Town/Village)

(County) (State) (Zip) (Telephone Number)

Mailing address: _____
(If different from domicile)

2. [Check applicable box] The person acting as the surrogate gave birth to the following child: male female
 non-binary/other

Name: _____ (Date of Birth)

Address: _____ (City/Town/Village)

(County) (State) (Zip)

Who was born in _____ (County) (State)

OR

The person acting as the surrogate is now pregnant with a child who is expected to be born on or about
_____ in _____ (County) (State)
(specify date)

3. a. The following is the person acting as the surrogate:

Name: _____ (Date of Birth) _____
Address: _____ (Street Address) _____ (City/Town/Village) _____
_____ (County) _____ (State) _____ (Zip)

b. [Delete if inapplicable] The person acting as surrogate is married to _____ (specify name)

4. The person acting as the surrogate and the spouse, if any, of the person acting as surrogate, and the intended parent(s) knowingly and voluntarily executed a surrogacy agreement. A copy of the agreement is annexed to this petition.

5. I am/We are submitting this petition to request an order declaring the following

Name: _____ (Date of Birth) _____
Address: _____ (Street Address) _____ (City/Town/Village) _____
_____ (County) _____ (State) _____ (Zip)

Name: _____ (Date of Birth) _____
Address: _____ (Street Address) _____ (City/Town/Village) _____
_____ (County) _____ (State) _____ (Zip)

to be the legal parent(s) of the child.

6. [Check all that apply]

- At the time that the surrogacy agreement was executed, the following intended parent(s), _____, had resided in New York State for at least six months:
- At the time that the surrogacy agreement was executed, the person acting as surrogate had resided in New York State for at least six months.

7. The following attorneys, _____, representing the intended parent(s) and the following attorneys, _____, representing the person acting as surrogate (and spouse, if applicable) have certified that the surrogacy agreement complies with Part 4 of Article 5-C of the Family Court Act. Copies of the attorneys' certifications are annexed to this Petition.

8. Annexed to this petition is/are a statement from all parties to the surrogacy agreement that they knowingly and voluntarily entered into the surrogacy agreement and that they are jointly requesting an order/judgment/decree of parentage.

9. Upon information and belief:

a. no individual has been adjudicated as a parent of this child, either in this court, or any other court, including a Native-American court, except _____.

(specify)

b. no individual has signed an Acknowledgement of Parentage admitting parentage of this child except _____.

(specify)

10. Upon information and belief, the subject child is is not a Native American child who may be subject to the *Indian Child Welfare Act of 1978* (25 U.S.C. §§ 1901-1963).

11. No prior application has been made to any Court for the relief requested herein.

WHEREFORE, your petitioner(s) respectfully requests that this court issue an order/judgment/decree and declaration of parentage, an order that the intended parent(s) is/are the legal parent(s) of the child and that the person acting as surrogate and her spouse (if applicable) is/are not a legal parent(s) and such other and further relief as may be appropriate under the circumstances.

Dated: _____

(Signature of Petitioner)

(Print Name)

(Signature of Petitioner)

(Print Name)

VERIFICATION

STATE OF NEW YORK)
) ss.:
COUNTY OF)

_____, being duly sworn deposes and says that I am the petitioner above named. I have read the foregoing petition and the same is true of my own knowledge except as the matters therein stated to be alleged upon information and belief and as to those matters, I believe them to be true.

Sworn to before me this

_____ day of _____ 20__

(Signature of Petitioner)

Notary Public
Commission Expires:
(Affix Notary Stamp or Seal)

(Print Name)

Signature of Attorney: _____

Print Name: _____

Firm Name: _____ Tel.No.: _____

Address of Attorney: _____
(e-mail address)

-----X
In the Matter of a Parentage Proceeding Concerning

ORDER OF PARENTAGE–
SURROGACY AGREEMENT

File No. _____

A Child conceived as a result of a Surrogacy Agreement.
-----X

Upon reading and filing the petition of _____,
_____, duly verified the _____ day of _____, 20 ____, alleging that _____
_____ is/are the
intended parent(s) of [specify name of child or, if not yet born, expected name, if known, of child] _____
_____.

[Applicable to a child already born]: The child, who was born on: _____
(Date of Birth)

is male female non-binary/other

OR

[Applicable where child has not yet been born]: The child is expected to be born on or about: _____
(specify date)

The following person, _____, has acted is acting as a
surrogate.

The intended parent(s) _____ and the person
acting as a surrogate and the spouse, if any, of the person acting as surrogate having executed a surrogacy
agreement on _____;
(date)

And the following parties [specify] _____
having contested not contested the allegations of the petition; and

The issues having duly come on to be heard before this Court,

NOW, after examination and inquiry into the facts and circumstances of the proceeding [and after hearing
the proofs and testimony offered in relation thereto], the Court finds and determines the following to be true:

The person acting as surrogate became pregnant in conjunction with a surrogacy agreement.

The residency requirement was satisfied.

A certification was submitted by the attorneys for the intended parents and the person acting as surrogate
and the spouse, if any, of the person acting as surrogate, attesting that the requirements of Part 4 of Article 5-C of
the Family Court Act regarding the surrogacy agreement have been satisfied.

The intended parents and the person acting as surrogate, and the spouse, if any, of the person acting as
surrogate, knowingly and voluntarily entered into the surrogacy agreement.

[Applicable to a child already born]:

IT IS, THEREFORE, ORDERED, ADJUDGED and DECLARED that [specify name(s)]: _____
_____ is/are the legal parent(s) of [child's name]
_____ and the parent(s) shall forthwith assume responsibility for the
child's maintenance and support;

OR

[Applicable where child has not yet been born]:

IT IS, THEREFORE, ORDERED, ADJUDGED and DECLARED that upon the child's birth, [specify name(s)]
_____ will be
the legal parent(s) of the child who is expected to be born on [due date] _____ and upon
the birth of such child, shall immediately assume responsibility for the child's maintenance and support and further
that, within _____ days of the child's birth, the intended parent(s) shall provide to this Court notification
thereof, together with such other facts as may assist in identifying the birth record of the child whose parentage is
in issue in this proceeding;

IT IS FURTHER ORDERED, ADJUDGED AND DECLARED that [specify the person acting as surrogate]: _____
_____ is not a legal parent to the child and the spouse, if any, of the
person acting as surrogate [specify] _____ is not a parent to the child;

IT IS FURTHER ORDERED that [specify the person acting as surrogate] _____
and the spouse, if any, of the person acting as surrogate [specify] _____
shall transfer the child to the intended parent(s) if this has not already occurred;

IT IS FURTHER ORDERED THAT:

(i) Pursuant to Judiciary Law §254, the clerk of the court shall transmit to the state commissioner of health, or for
a person born in New York City, to the commissioner of health of the city of New York, on a form prescribed by
the commissioner, a written notification of such entry together with such other facts as may assist in identifying
the birth record of the person whose parentage was in issue and, if such person whose parentage has been
determined is under eighteen years of age, the clerk shall also transmit forthwith to the registry operated by the
department of social services, pursuant to Social Services Law §372-c, a notification of such determination; and

(ii) Pursuant to Public Health Law §4138 and NYC Public Health Code §207.05, upon receipt of a judgment of
parentage, the local registrar where a child is born will report the parentage of the child to the appropriate
department of health in conformity with this court order. If an original birth certificate has already been issued, the
appropriate department of health will amend the birth certificate in an expedited manner and seal the previously
issued birth certificate except that it may be rendered accessible to the child at eighteen years of age or the legal
parent or parents.

[Check box if applicable]:

IT IS FURTHER ORDERED THAT [specify]: _____
_____.

Dated:

_____, New York

SURROGATE

NEW YORK

THE CUT

PREGNANCY JULY 28, 2022

‘I Want to Do This for Someone Else’

Three women on carrying pregnancies after New York legalized paid surrogacy last year.

By Tessa Somberg



Portia Zwicker, 42, was not quite showing as she sat on the couch in her split-level Colonial home in upstate New York. Surrounded by toys, her 6-year-old daughter draws pictures of cats on an easel in orange marker on the other side of the room. Sleeping comfortably had become more challenging lately, so Portia was in the market for a good pregnancy pillow. This is the third time Portia is pregnant, but like the second, she's not preparing to bring home a baby.

Portia is a gestational carrier, otherwise known as a surrogate. She's amused when her Instagram advertises her products geared toward expectant parents like cribs and Diaper Genies that, to her relief, she won't have to purchase. "The algorithm doesn't get into surrogacy," she said. Strollers and swaddles will be the responsibilities of her intended fathers, or IFs, a gay couple who also live in New York. For her services, she will be paid \$40,000.

Paid gestational surrogacy is not a new phenomenon; more than 18,000 babies were born in the United States with the assistance of gestational carriers between 1999 and 2013, per the CDC. Celebrities like Kim Kardashian and Kanye West, Khloé Kardashian and Tristan Thompson, Grimes and Elon Musk, and Gabrielle Union and Dwayne Wade have all shared that they've used surrogates to grow their families. Still, the surrogacy industry in the United States remains unregulated at the federal level, and only half the states have laws that determine how surrogacy should be practiced, if at all.

In 1992, paid surrogacy was banned outright and criminalized in New York State following the "Baby M" case, in which a surrogate refused to surrender the baby she carried, who was created with her own egg, after birth. But prohibition didn't mean the practice of surrogacy disappeared altogether. Instead, these arrangements happened on the fringes, creating a legal limbo in which little to no recourse would be available to either party if a dispute — or, worse, a medical crisis — erupted. Surrogates had no legal protections against intended parents, or IPs, who may be exploiting them. And the underground nature of the arrangements made IPs vulnerable as well: After all, a surrogate was listed as the mother on a newborn's birth certificate.

Now, that's all starting to change. In 2021, New York's Child-Parent Security Act went into effect, the most robust surrogacy law of its kind in the United States. The law legalized paid surrogacy in New York and also created a number of provisions meant to protect gestational carriers and IPs alike. A Surrogates' Bill of Rights endows surrogates with a host of protections, including the right to choose their own doctors, consent to all medical procedures, and the right to health and life insurance all paid by the IPs. And

the CPSA requires that New York's Department of Health monitor and license surrogacy agencies — which act as middlemen screening candidates, matching IPs with surrogates, and facilitating compensation — something no other state in the U.S. does. It also allows for nonbiological parents to be listed on a baby's birth certificate in the hospital.

Surrogacy can be polarizing: To the left, it is fraught with feminist critiques about commodifying a woman's body; to the right, it incites panic over queer families and reproductive freedom. In 2019 and 2020, when the CPSA was being debated in Albany, Portia attended several lobbying days where she described her first experience with surrogacy, particularly whether or not she felt exploited or coerced. "I didn't feel those things at all," Portia said. "I wouldn't have been there if I didn't think it was a fine thing to do."

On the other side of the debate was Gloria Steinem, who wrote in an open letter to former governor Cuomo, "The danger here is not the use of altruistic surrogacy" — or unpaid surrogacy — "to create a loving family, which is legal in New York now, but the state legalizing the commercial and profit-driven reproductive surrogacy industry." She and others believed that women would be even more vulnerable to exploitation, trafficking, and further subordinated as second-class citizens in the United States for the sake of making a sale.

The law's passing didn't quiet critics. In the days following the overturning of *Roe v. Wade*, photos of herself with her IFs went viral on TikTok. Portia, who wore a long red dress, cradled her bump, her IFs in the foreground. *Were the three a throuple? Was she placing her baby for adoption?* "This is some Handmaid stuff right here," tweeted conservative writer Bethany S. Mandel, amassing more than 12,000 likes. Portia turned off the comments on her TikTok when she noticed anti-gay ones trickle in. "And it's all because I wore a red dress." Portia said. "Like, give me a break." As for the dress? She hasn't worn it since.

"I went into this completely voluntarily and willingly with no coercion and with legal rights that make New York State the best state in which to be a surrogate," Portia said. "What's more powerful to a woman than the choice to do what she wants with her uterus?"



Baby M's biological father William Stern and the infant amid the high-profile custody case. Photo: Bettmann Archive/Getty Images



Mary Beth Whitehead, who had agreed to carry Baby M as a surrogate and relinquish her parental rights at birth, fought for custody of the child. Photo: Bettmann Archive/Getty Images

When one decides to become a surrogate, her entire being comes under scrutiny. Portia willingly handed over everything from her medical history to her driving record when she applied to be a surrogate with her agency, the New York Surrogacy Center. She was fingerprinted and drug tested. Based on recommendations by the American Society for Reproductive Medicine and the American College of Obstetricians and Gynecologists, agencies conduct interviews with potential surrogates looking for red flags, like evidence of emotional or financial coercion or addiction; fertility clinics have the final say in whether or not a candidate will receive medical clearance. The CPSA requires that a surrogate in New York state be at least 21 and a citizen or permanent resident of the United States, and she cannot use her own egg for the pregnancy.

Portia is perhaps the first surrogate to deliver a baby during and after prohibition. Technically, she never broke the law: She was an uncompensated surrogate for a distant cousin in 2018, before the CPSA was passed. Portia received some financial assistance and reimbursement for out-of-pocket expenses — like the costs of prenatal vitamins and maternity clothes — but no payment for her time carrying and delivering the baby. The baby was born

after an emergency Cesarean section, and Portia was listed as a parent on the birth certificate. Only after a court proceeding was her name removed and her cousin adopted the baby. Aside from the counsel of a lawyer and encouragement from a surrogacy Facebook group, Portia navigated the process mostly on her own.

This time around, Portia was matched with her IFs in June 2021 through her agency, where she now works part time as an outreach coordinator. Similar to adoption agencies, surrogacy agencies often create profiles for their surrogates and IPs for each other to review, describing their backgrounds, interests, goals, and deal breakers, and set up a “match meeting” should both parties be interested. Topics addressed can include everything from “favorite foods” and hobbies to practical concerns: whether a surrogate would carry a baby for a single person or a gay couple; the level of involvement surrogates and IPs want from each other; a surrogate’s willingness to carry twins or pump and ship breast milk after the birth. (Portia liked that one of her IPs was a doctor, “which was important to me because of vaccines and COVID precautions,” and she had been hoping to match with a gay couple.) Under the CPSA, surrogates have the right to make all decisions regarding their bodies, including whether or not to terminate a pregnancy, so profiles also may include questions like “If there is a serious medical problem with the fetus you are carrying, and the intended parents want to consider a termination, would you allow them to make that decision?”

New York surrogates are now entitled to independent legal counsel of their choice, paid for by the IPs. Portia’s surrogacy agreement was drafted and signed in about three weeks after some back-and-forth between the lawyers. She requested specific provisions be made, for example, to cover lost wages over the recommended eight-week recovery period from her scheduled C-section. She also requested child care coverage during surrogacy-related appointments.

All told, IPs pay anywhere from \$100,000 to \$200,000. Agency fees can range from \$20,000 to \$60,000, and most surrogates who work with an agency are compensated between \$35,000 to \$75,000. And the required health insurance and life insurance coverage must be worth at least \$750,000 (or the most a surrogate might be eligible for, should it be less than that) for 12 months post-birth. Some IPs pay out of pocket, while others take out loans or ask for donations on sites like GoFundMe.

All expenses are paid through an escrow account that agencies and IPs set up, which contains not only the surrogate’s compensation but also money for

medical, legal, and other miscellaneous expenses. Should a surrogate receive a bill, she sends it to her agency, which pays it from the escrow.

“There’s no discussion, it just happens,” Portia said.



Portia Zwicker Photo: Portia Zwicker

The day before her embryo transfer in November 2021, Portia took a train across the state, wearing a rainbow mask, to the clinic where the procedure would take place. (“You know,” her husband Mike told me, “we’re basically doing science in the process of creating a life for someone else because they can’t.”) When she arrived, she texted the IFs, asking what car they had arrived in. They responded they were in a silver two-door. Portia thought right away, *I bet it’s some fancy car and they just don’t want to say it.* When she left the platform, she found a Mercedes coupe waiting for her. She teased them about it when she got in.

“We have a good relationship where I can poke fun at them,” she said. Despite Portia’s openness, discussing the monetary aspect of surrogacy can still feel a little awkward. A common refrain in the surrogacy world: Surrogates are paid for their pain and suffering. Personally, she doesn’t think of it as a job.

“I mean, when you start using that word, then you’re getting into ethical issues as well,” she says of calling surrogacy a job. More of a part-time volunteer gig with a stipend, then? “I have no obligations except to live a healthy lifestyle and follow doctors’ orders,” she said. “I wasn’t getting reviewed. I don’t depend on this.” So far, she has used about half of her compensation to remodel the back porch of their home and has no further plans for the rest outside of savings.



Christina Bramante Photo: Christina Bramante

Downstate, at an Upper East Side diner, 38-year-old Christina Bramante was 28 weeks along. She had completed a glucose tolerance test, which gauges for gestational diabetes, that February morning and answered my questions between enthusiastic bites of her veggie burger and matzo-ball soup. Christina wanted to become a surrogate for years before she took the leap. A career labor and delivery nurse and doula originally from Illinois, her passion for pregnancy began after she witnessed the birth of her sister at 12 years old.

“It’s the first birth I saw out of all the thousands I’ve seen now,” she said.

Before this pregnancy, Christina already had four children of her own with her husband. In her work, she regularly met families struggling with infertility or

couples who could not conceive on their own. “It reinforced my feelings of wanting to help somebody,” she said.

She began pursuing surrogacy in late 2020 with Alcea Surrogacy, an agency based in Texas with satellite offices in New York City, where she is now a clinical-nurse coordinator. But she hit a snag when the law went into effect: All operations had to come to a standstill until her agency was reviewed and licensed by the Department of Health. For the next three months, Christina had to wait.

“It was a bummer,” she said. “We moved on with life in the meantime and put surrogacy on the back burner until everything was ready.” As soon as they got the call that Alcea was licensed in June 2021, Christina said, “we were ready to rock and roll again.”

Christina and her husband are using some of her compensation on a kitchen renovation. Though demographic data about surrogates is limited, according to a 2018 study for the *Journal of Women’s Health*, out of a sample of 204 gestational carriers in the United States, 28 percent had a household income of \$100,000 or more. About three quarters of surrogates had a household income of at least \$50,000. In her [study of the country’s largest online forum for surrogates](#), UCLA sociology professor [Zsuzsa Berend](#) wrote that outsiders often see surrogacy as a matter of love versus money, as if the two are incompatible: “Surrogates, however, think of the monetary compensation in the context of, and not in opposition to, a personal bond.”

“It’s not some huge astronomical number. It’s not, *Wow, you’re being paid to have this baby,*” Christina told me. “It’s not like that at all. It’s just fair.”

When Christina thought she might be in labor in April, she headed to the hospital where her water broke, and the baby was born soon after. The birth went as planned, and we caught up on the phone as she was waiting to be released. “I’m on cloud nine,” she said. “The whole thing was beautiful.”



Bags of breast milk that Christina has been delivering to the infant. Photo: Christina Bramante

This pregnancy felt different from those of her own children. “I love this baby in a very different way. In my mind and in my body, I know that I’m doing this for a purpose,” she said. She said the new state protocols worked flawlessly: The pre-birth order — which established that Christina was the surrogate, not the parent — had been filed with the court, so she was not listed on the newborn’s birth certificate.

Since the birth, Christina has been pumping and shipping breast milk to the baby she carried. As stipulated in her contract, she is compensated for the service each week. Surrogates are on average paid around \$250, or \$1 an ounce, per week, though the fee varies per arrangement. Using thermal coolers she bought from Amazon, Christina tightly packs as many bags of milk as she can to send overnight. She is reimbursed for the cost of mailing as well as the costs of various pumping paraphernalia, and she has also been able to donate additional breast milk to families in need. As she watches the baby grow in pictures she receives, she reflects on how her pumping has played a part.

“Everything’s been going great,” Christina said. “I mean, pumping isn’t easy by any means. But it’s for a good cause and a labor of love for sure,” she said.

Would she be a surrogate again?

“If everything continues to go perfectly,” she said, “I would absolutely do it again.”



Britney Herringshaw and her intended mother Michelle Tunison, who Britney jokingly calls her “significant other.” Photo: Britney Herringshaw

Areal-estate agent and executive administrator living in upstate New York, Britney Herringshaw, 33, was born and raised in England. She moved to Florida with her parents and four siblings when she was 14 years old. In 2018, she moved to New York with her three children and husband, Donnie. She had long wanted to become a gestational carrier to help someone else complete their family. “I thought that feeling would maybe go away after some time,” she told me, “but it didn’t.” In addition to the feelings of altruism, she plans to put the money she’ll earn into college savings for her children.

With the passage of the CPSA, New York IPs can work with local surrogates, making for less burdensome travel and ensuing expenses. Closer distances can also create more intimate relationships. When Britney was matched with her IPs in September 2021, the bond formed quickly; she half jokingly calls her intended mother, or IM, 39-year-old Michelle Tunison, her “significant other.”

Michelle struggled with infertility for around ten years before pursuing surrogacy. Her first loss, of quadruplets, was in 2013. “That was the first instance of this huge grief that we experienced,” she said. She and her husband, Drew, continued with fertility treatments, and their son was born in 2015.

“I kept trying,” she said. “And at first I didn’t want to give up trying with my body. But then I realized that what I didn’t want to give up was the chance of having a baby.” With each pregnancy loss, she became more anxious. She wondered if it was worth it to see if there was anything left they hadn’t tried, and the only options left were adoption or surrogacy. She saw Britney’s profile and it was “love at first sight.”



Britney during her double-embryo transfer. Photo: Britney Herringshaw

Britney began taking hormone shots to prepare her body for the embryo transfer. The odds of a transfer becoming a viable pregnancy are similar to a coin flip. In the ten days between her first transfer in January and the pregnancy test, she felt that her body was giving her positive signs, and she was optimistic and happy. But the test came back negative. Britney had to tell

Michelle the news herself. After all of the joyful bonding (and hormone medication), the disappointment hit hard.

“I was gutted,” she said. “It was so unexpected because everything was so rainbows and butterflies up to that point. I was confused on how to process it.”

The Surrogates’ Bill of Rights establishes that surrogates have a right to counseling at any point paid for by the IPs. Britney decided to exercise it. She wanted to understand how to balance Michelle’s experiences and expectations with her own as the process moved forward. Plus, surrogacy can be isolating at times. Few people have experienced it themselves, and it’s easy to feel misunderstood. While Britney’s mother and siblings supported her choice, she felt some confusion and concern from older relatives who assumed it would be difficult for her to “give up” the baby. Britney also feels she stands out in the largely white world of surrogacy; she seldom sees other biracial surrogates in Facebook groups or medical offices. And despite her dedication to helping her IPs, Britney struggled with certain lifestyle changes, like having to stray from her regular diet and workout routine.

When she pursued surrogacy, Britney had not anticipated that she’d need to set emotional boundaries with her IPs. She didn’t even know what to ask for. “And the therapist was really great because she said, ‘You need to ask yourself what you’re expecting out of this,’” she said. Therapy has helped Britney ask for what she needs from Michelle and Drew, who attend as many medical appointments and ultrasounds as possible. And since Michelle herself went through IVF in the past, she has been able to provide Britney with more than moral support: At one point, she realized Britney should have still been taking prednisone and called their clinic, which realized it had made an error.

Britney underwent a second embryo transfer — a double — in March. This time, she indulged in an enduring IVF superstition of eating McDonald’s fries post-transfer to help the pregnancy “stick.” Around seven weeks post-transfer, she learned that one of the embryos was no longer viable, but the other showed cardiac activity. The pregnancy stuck.

The morning of the transfer procedure, Portia went to the Starbucks across the street from her hotel and completed her medication regimen as usual. She also had to drink water to expand her bladder, which would push her uterus forward so it’s easier to see during the abdominal ultrasound. She tried to time it right so she would be near — but not quite — bursting by the time she arrived at the clinic. She had special shirts made for the occasion for the IFs

and herself. Hers read “I CAN’T KEEP CALM IT’S TRANSFER DAY” on the front and “SURROGATE” on the back.

She was given a Valium to prepare for the transfer. Portia could see on the ultrasound the “pocket of air” that contained the embryo as it was transferred. Once the procedure was complete — she did not feel a thing, nor did she in previous transfers — Portia was able to use the restroom.

“And so then we were all done. We actually ended up taking a lot of pictures. The clinic was so excited for us. This was their first New York–based surrogacy” under the new law, she said. “It was totally different from last time, where I was the only one who went and nobody cared!” Five days post-transfer, in November 2021, Portia hopped on FaceTime with her IFs and revealed the results of her pregnancy test: positive. The next milestone would be to hear the cardiac activity at the six-week ultrasound. Portia’s first payment would be released then and each month thereafter for the remainder of the pregnancy.

Embarking on her second surrogacy, Portia felt confident: She knew what to expect, and — unlike her first time around — she said the protections outlined in the Surrogates’ Bill of Rights put her at ease. Still, she had nerves: “The part that I’m a little nervous about is being older and doing it again. The aches and pains that come with the physical experience.”

The risks of any pregnancy can be daunting. “It’s major surgery,” she told me in the weeks before her scheduled C-section. “That’s always nerve-racking. And you hear about things going wrong. It’s unusual, but things can go wrong.”

Portia headed to the hospital on July 25. She had to sign paperwork acknowledging the side effects of the anesthesia, like nausea and difficulty breathing. The next afternoon, a baby girl was born. On the phone, Portia seemed almost surprised as she described how relaxed she felt in the operating room. Her husband Mike was with her, and the IFs waited in another room. “I got a little teary-eyed when I heard her cry,” she said, reassured that the newborn was healthy.

But when the surgeon asked if she wanted to see the baby, Portia declined. She wanted the child’s fathers to see their daughter first.

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F.C.A. Art. 5-C

FAMILY COURT OF THE STATE OF NEW YORK
COUNTY OF

Parentage Form 5-C-1
(Parentage Petition-
Surrogacy Agreement)
(2/2021)

.....
In the Matter of a Parentage Proceeding Concerning

[Child's name]:

A child conceived as a result of a Surrogacy Agreement

Petitioner(s)

Family File No.
Docket No.
PARENTAGE PETITION-
SURROGACY AGREEMENT

.....
TO THE FAMILY COURT:

The undersigned respectfully allege(s) that:

1. [check applicable box(es)]:
 - a. Petitioner #1: I am the [check one]:
 - Intended parent
 - Gamete or embryo donor
 - Person acting as surrogate
 - Child
 - Representative of child
 - Representative of deceased or incapacitated individual
 - Social services official or government agency
 - Other individual with claim to parentage [specify]:
 - b. [Delete if Inapplicable] Petitioner #2: I am the [check one]:
 - Other intended parent
 - Person acting as surrogate
 - c. [Delete if Inapplicable] Petitioner #3: I am the [check one]:
 - Other intended parent
 - Person acting as surrogate

2. [Check applicable box]:

- The person acting as surrogate gave birth to the following
 - male female non-binary/other child:

Name:
Date of Birth:
Address ¹ :

- who was born in [specify County and State where the child was born]:

- The person acting as surrogate is now pregnant with a child, who is expected to be born on or about [specify date]: _____ in [specify County and State where the child is expected to be born]: _____

3. a. The following is the person acting as the surrogate:

Name:
Date of Birth:
Address ¹ :

- b. [Delete if inapplicable]: The person acting as surrogate is married to [specify name]: _____

4. The person acting as surrogate and the intended parent(s) knowingly and voluntarily executed a surrogacy agreement on [specify date]: _____
 A copy of the agreement is annexed to this Petition.

5. I am We are submitting this petition to request an order declaring the following:

Name:	Name:
Date of Birth:	Date of Birth:
Address ¹ :	Address ¹ :

to be the legal parent(s) of the child.

6. [Check all that Apply]

¹ Unless ordered confidential pursuant to Family Court Act § 154-b because disclosure would pose an unreasonable risk to the health or safety of the petitioner. See forms GF-21 and 21a, available at www.nycourts.gov.

At the time that the surrogacy agreement was executed, the following intended parent(s) had resided in New York State for at least six months:

At the time that the surrogacy agreement was executed, the person acting as a surrogate had resided in New York for at least six months.

7. The following attorneys, [specify]: _____, representing the intended parent(s) and the following attorneys, [specify]: _____ representing the person acting as surrogate (and spouse, if applicable), have certified that the surrogacy agreement complies with Part 4 of Article 5-C of the Family Court Act.

Copies of the attorneys' certifications are annexed to this Petition.

8. Annexed to this petition is/are (a) statement(s) from all parties to the surrogacy agreement that they knowingly and voluntarily entered into the surrogacy agreement and that they are jointly requesting a judgment of parentage.

9. Upon information and belief,

a. no individual has been adjudicated as a parent of this child, either in this court, or any other court, including a Native-American court; (except) [specify]:

b. no individual has signed an Acknowledgment of Parentage admitting parentage of this child, (except) [specify]:

10. Upon information and belief, the subject child is is not a Native American child who may be subject to the *Indian Child Welfare Act of 1978* (25 U.S.C. §§ 1901-1963).

11. No previous application has been made to any court or judge for the relief herein requested (except [specify]):

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

.....
In the Matter of a Parentage Proceeding Concerning

[Child's name]:

A child conceived as a result of a Surrogacy Agreement

Family File No.
Docket No.
ORDER AND JUDGMENT
OF PARENTAGE -
SURROGACY AGREEMENT

Petitioner(s)

.....
NOTICE: IF YOU WERE NOT IN COURT FOR THE HEARING AND THIS ORDER WAS ISSUED ON DEFAULT, YOU MAY OBJECT OR CHALLENGE THE ORDER BY FILING A MOTION TO VACATE THE ORDER.

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

IF YOU WERE IN COURT FOR THE HEARING AND THIS ORDER IS ENTERED BY A SUPPORT MAGISTRATE, SPECIFIC WRITTEN OBJECTIONS TO THIS ORDER MAY BE FILED WITH THIS COURT WITHIN 30 DAYS OF THE DATE THE ORDER WAS RECEIVED IN COURT OR BY PERSONAL SERVICE, OR IF THE ORDER WAS RECEIVED BY MAIL, WITHIN 35 DAYS OF THE MAILING OF THE ORDER.

The above-named Petitioner(s) having filed a petition, sworn to on [specify date]:
, _____, alleging that [specify]: _____ is/are the intended
parent(s) of [specify name of child or, if not yet born, expected name if known] of child]:

[Applicable to a child already born]: The child, who was born on [specify date]:

is a [check box if known]: male female non-binary/other.

OR

[Applicable where child has not yet been born]: The child, who is expected to be born on or about: [insert due date] ,

The following person [specify name]: has acted is acting as surrogate.

The intended parent(s) and the person acting as surrogate having executed a surrogacy agreement on [date]:

The petition was brought by [specify]::

- Intended parent [specify]:
- Intended parent [specify]:
- Other [specify]:

The following additional individuals having been notified and having [specify]:

appeared not appeared to answer the petition [specify]:

And the following parties [specify]:

contested not contested the allegations of the petition; and

having

The issues having duly come on to be heard before this Court,

NOW, after examination and inquiry into the facts and circumstances of the case, the Court finds and determines the following to be true:

The person acting as surrogate became pregnant in conjunction with a surrogacy agreement;

The residency requirement was satisfied as follows:

The intended parent(s) had been (a) resident(s) of New York State for at least six months at the time that the surrogacy agreement was executed;

OR

At least one of the intended parents had been a resident of New York State for at least six months at the time that the surrogacy agreement was executed and the person acting as surrogate had been a resident of New York State for at least six months at the time that the surrogacy agreement was executed;

A certification was submitted by the attorney(s) for the intended parents and the attorney(s) for the person acting as surrogate (and her spouse, if applicable) attesting that the requirements of Part 4 of Article 5-C regarding the surrogacy agreement have been satisfied;

The intended parents and the person acting as surrogate (and her spouse, if applicable) knowingly and voluntarily entered into the surrogacy agreement and are jointly requesting a judgment of parentage; (what if they are not jointly requesting?)

[Applicable to a child already born]: IT IS, THEREFORE, ORDERED AND ADJUDGED that [specify name(s)]: _____ is/are the only legal parent(s) of [child's name]: _____ and the parent(s) shall forthwith assume responsibility for the child's maintenance and support;

OR

[Applicable where child has not yet been born]: IT IS, THEREFORE, ORDERED AND ADJUDGED that upon the child's birth, [specify name(s)]: _____ will be the legal parent(s) of the child who is expected to be born on [due date] _____, and upon the birth of such child, shall immediately assume responsibility for the child's maintenance and support and further that, within seven days of the child's birth, the intended parent(s) shall provide to this Court notification thereof, together with such other facts as may assist in identifying the birth record of the child whose parentage is in issue in this proceeding;

IT IS FURTHER ADJUDGED AND ADJUDGED that [specify the person acting as surrogate]: _____ is not a legal parent to the child and the spouse, if any, of the person acting as surrogate [specify]: _____ is not a legal parent to the child;

[Applicable where child has not yet been born]: IT IS FURTHER ORDERED AND ADJUDGED that upon the birth of the child, [specify the person acting as surrogate] _____ and the spouse, if any, of the person acting as surrogate [specify]: _____ shall transfer the child to the intended parent(s);

[Applicable to a child already born]: IT IS FURTHER ORDERED AND ADJUDGED that [specify the person acting as surrogate] _____ and the spouse, if any, of the person acting as surrogate [specify]: _____ shall transfer the child to the intended parent(s) if this has not already occurred;

[Applicable where there was a known donor]: AND IT IS FURTHER ORDERED AND ADJUDGED that [specify known donor]: _____ is not a parent of the child;

[Applicable where there is an anonymous embryo or gamete donor or embryo or gamete released to storage facility or healthcare practitioner]: AND IT IS FURTHER ORDERED AND ADJUDGED that the donor who provided gametes or embryos is not a parent of the child;

IT IS FURTHER ORDERED THAT:

(i) Pursuant to Judiciary Law §254, the Clerk of the Court shall transmit to the State Commissioner of Health, or for a person born in New York City, to the Commissioner Of Health of The City of New York, on a form prescribed by the Commissioner, a written notification of such entry together with such other facts as may assist in identifying the birth record of the person whose parentage was in issue and, if such person whose parentage has

been determined is under eighteen years of age, the clerk shall also transmit forthwith to the registry operated by the Department Of Social Services, pursuant to Social Services Law §372-c, a notification of such determination; and

(ii) Pursuant to Public Health Law §4138 and NYC Public Health Code § 207.05, upon receipt of a judgment of parentage, the local registrar where a child is born shall report the parentage of the child to the appropriate department of health in conformity with this Order. If an original birth certificate has already been issued, the appropriate department of health shall amend the birth certificate in an expedited manner and seal the previously issued birth certificate except that it may be rendered accessible to the child at eighteen years of age or to the child's legal parent or parents.

[Check box if applicable]: IT IS FURTHER ORDERED THAT [specify]:

Notice: Court records relating to this proceeding will be sealed, provided, however, that the Office of Temporary and Disability Assistance, a child support unit of a social services district or a child support agency of another state providing child support services pursuant to Title IV-D of the Federal Social Security Act, when a party to a related support proceeding and to the extent necessary to provide child support services or for the administration of the program pursuant to title IV-D of the Federal Social Security Act, may obtain a copy of a judgment of parentage. The parties to the proceeding and the child shall have the right to inspect and make copies of the entire court record, including, but not limited to, the name of the person acting as surrogate and any known donors.

ENTER

Judge of the Family Court/Support Magistrate

Dated: _____,

Check applicable box:

Order mailed on [specify date(s) and to whom mailed]: _____

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

F.C.A. Art. 5-C

Parentage Form 5-C-5
Summons – Assisted Reproduction
or Surrogacy Agreement)
(2/2021)

FAMILY COURT OF THE STATE OF NEW YORK
COUNTY OF

.....
In the Matter of a Parentage Proceeding Concerning

[Child’s name]:

Family File No.
Docket No.

A child conceived as a result of

Surrogacy Agreement Assisted Reproduction

SUMMONS - PARENTAGE

Petitioner(s)
.....

NOTICE: YOUR FAILURE TO APPEAR SHALL RESULT IN AN ENTRY OF AN ORDER OF PARENTAGE ON DEFAULT UPON PROOF THAT YOU RECEIVED ACTUAL NOTICE OF THE COMMENCEMENT OF THIS PROCEEDING.

IN THE NAME OF THE PEOPLE OF THE STATE OF NEW YORK TO

_____, who resides or is found at:

(A Petition)(Petitions) under Article 5-C of the Family Court Act having been filed with this Court and annexed hereto

YOU ARE HEREBY SUMMONED to appear before this court at _____
_____, New York, on _____, _____,
at _____ o'clock in the _____ noon of that day to show cause why the declaration of parentage, order
and judgment of parentage and other and further relief requested in the petition should not be made.

Dated: _____, _____ . _____
Clerk of the Court

F.C.A. Art. 5-C

Parentage Form 5-C-6
(Report following birth of children)
(8/2021)

FAMILY COURT OF THE STATE OF NEW YORK
COUNTY OF

.....
In the Matter of a Parentage Proceeding Concerning

[Child's name]:

Family File No.
Docket No.

A child conceived as a result of Assisted Reproduction
Or Surrogacy

REPORT TO COURT FOLLOWING
BIRTH OF CHILD CONCEIVED
THROUGH ASSISTED
REPRODUCTION OR SURROGACY

Petitioner(s)

.....
Notice: Notification of the child's birth must be sent to the Family Court following the birth of children conceived through assisted reproduction or surrogacy. Please fill out this form and promptly return it to the court following the birth of the child(ren). The Court will notify the Department of Health and the registry operated by the Department of Social Services.

	Child #1	Child #2 (if applicable)	Child #3 (if applicable)
First Name			
Middle Name			
Last Name			
Date of Birth			
Gender			
Place of Birth (City or Town)			
State of Birth			
County of Birth			

Dated: _____

Intended Parent or Attorney

Print or type name

[Attorney Signatory]: Address and Telephone

Number