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## THE CHILD PARENT SECURITY ACT THE NEED FOR LEGISLATIVE REFORM IN NEW YORK

The New York Child Parent Security Act (The Act) was introduced into the New York Legislature in 2013 and will come up for committee action this legislative session. If signed into law, the Act will revolutionize the way legal parentage is determined in New York for children conceived through Third Party Reproduction. While the law in most states has evolved to keep pace with medical advances, that is not the case in New York and the consequences for New Yorkers are profound.

New York State has one of the most restrictive and punitive surrogacy statutes in the country. The New York statute, which was enacted in 1992, renders all surrogacy contracts void and unenforceable. The statute also makes it illegal to pay a surrogate a fee. Gamete and embryo donation are also an important and increasingly common method of conception. In some states the law provides that a person who donates gametes to another for the purpose of conception does *not* have the right to later claim a parental interest in the resulting child. The Donor is also protected from any legal obligation to assume parental responsibility for the child. That is not the case in New York. While New York does have an “artificial insemination” statute, that

statute cuts off the parental relationship between the Donor and child ONLY when the donation is made to a “husband and wife” under the supervision of a physician. And while *couples* conceiving through sperm donation have the ability to sever the legal relationship between the Donor and child through a costly adoption proceeding, a single woman -intending to parent alone- has no legal mechanism available to do that. Shockingly, there is no statute whatsoever addressing the legal parentage of children conceived through egg or embryo donation. The legal uncertainty which results from the deficiencies in the New York law is clearly a disservice to the many children left unprotected.

The proposed Child Parent Security Act, would permit enforceable surrogacy contracts provided the carrier is not the genetic mother of the child and provided there is full compliance with all of the safeguards incorporated in the Act. The Act is a comprehensive bill which also addresses the legal status of children conceived through sperm, egg and embryo donation. Constituency groups such as The American Academy of Assisted Reproductive Technology Attorneys, the American Society for Reproductive Medicine, Empire Pride Agenda, Path2Parenthood, RESOLVE: The National Infertility Association, and the Family Equality Council have been active in their support of the Act. Unfortunately, that is not enough. Individual constituents must let their representatives know that New York law is antiquated and that it imposes an unwarranted burden on their civil right to take advantage of existing medical opportunities enabling them to have a child. Even worse, the law fails to protect the many New York children being conceived with the assistance of medical technology. It’s time for New York law to evolve so that it serves the needs of New York families. All concerned New Yorkers should contact their state legislators and demand that they vote in support of this important legislation.