

COPPS DiPAOLA SILVERMAN, PLLC

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The Passage of the CPSA Means That Same-Sex Parents No Longer Need to Adopt Their Own Children to Secure Parentage!

On April 2, 2020, the New York State legislature passed the Child Parent Security Act (“CPSA”), which legalizes compensated surrogacy in New York and provides a mechanism for establishing legal parentage for children born from assisted reproduction. The parentage provisions of the CPSA are extremely important for same-sex female couples who are raising children born through assisted reproduction, including IVF, embryo transfer, IUI or other artificial or vaginal insemination.

In New York, when a same-sex female couple conceives a child together through assisted reproduction, both parties can be listed as parents on the child’s birth certificate and both have custody rights, regardless of whether they are biologically or genetically related to the child. However, a birth certificate is merely a *presumption* of parentage and does not confer legal rights on either party. Many foreign countries do not recognize same-sex marriages and do not offer any legal protection for same-sex relationships, much less recognizing the parentage of a child born to a same-sex couple. Some states, even within the United States, have laws that say that the presumption of parentage does not apply in same-sex relationships because it is biologically impossible for a child to have two mothers (or two fathers).

Because of this, we have always recommended that our clients pursue a stepparent adoption to obtain a court order that must be recognized anywhere they go, declaring them to be the legal parents of their child. The issue with this is that adoptions can be expensive, time consuming, invasive and labor-intensive, and no one should be required to adopt their own child just to secure their parental rights. Adoptions require criminal background checks, child protective registry checks, medical examinations, and a home study – simply to obtain an order confirming what you already know: that your child is legally *yours*.

Thanks to the passage of the CPSA, this is no longer necessary, and **parents can now quickly and easily obtain a Judgment of Parentage, declaring them to be their child’s legal parent(s) without going through an entire adoption proceeding.** This is also crucial because it deals with any potential claims of paternity, custody or visitation by any sperm, egg, or embryo donors by declaring such donors not to be parents of your child. We can now commence a parentage proceeding and it is anticipated that we will be able to obtain Judgments of Parentage in a matter of weeks without any parties having to appear in court or go through any of the screenings required for an adoption.

Attorneys Casey Copps DiPaola and Joe Williams were actively involved in the drafting and revising of the CPSA legislation and have been lobbying at the State Capitol for the passage of the bill for several years. As such, we are intimately familiar with all of the requirements, nuances and particulars of the law. We are able to charge our clients an affordable flat fee for representation, potentially saving them thousands of dollars over the cost of a stepparent adoption. If you or someone you know built their family through assisted reproduction, please contact Casey or Joe to discuss your rights and your options to protect yourself and your family.

Call and mention this article before June 30, 2020 to receive \$250 off the cost of a parentage proceeding.

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