



475 Park Avenue South, Suite 2100
New York, NY 10016
tel 646.880.3005
fax 202.697.5058
info@familyequality.org

March XXX, 2024

Dear Majority Leader Stewart-Cousins, Speaker Heastie, and members of the New York State Legislature:

We, the undersigned ## organizations, are writing to express our support for Senate Bill S5107C and Assembly Bill A4921C, which would make important updates to Family Court Act Article 5-C, the Child-Parent Security Act (CPSA), originally enacted into law effective February 15, 2021. Championed by Senator Hoylman-Sigal and Assemblymember Paulin, these proposed amendments would provide necessary clarity and corrections to the CPSA while enhancing protections to surrogates, intended parents, and children alike.

We represent leading LGBTQ+ advocacy groups, faith-based organizations, women's interest groups, and infertility advocates dedicated to modernizing New York law to support and protect families that utilize assisted reproduction, including in vitro fertilization (IVF) or surrogacy. We have had the honor of collaborating with New York policy makers for decades. We are thankful for your longtime leadership on behalf of LGBTQ+ people and those who build their families through assisted reproduction, and we urge you to help pass these critical updates to the CPSA.

Improving the efficient functioning of surrogacy in New York, and providing security, clarity, and access to legal parentage for children of LGBTQ+ families is incredibly important. The CPSA offers legal options and legal protections to those who use assisted reproduction, such as LGBTQ+ families, cancer survivors, people struggling with infertility, and surrogates. The CPSA created a "Surrogate Bill of Rights," outlining best practice protections specifically crafted to protect gestational surrogates. The CPSA provides legal protections for intended parents, and for children born to intended parents who use assisted reproduction to grow their families.

In the three years since it was enacted, the CPSA has increased family building options, benefitting New Yorkers immensely. However, some of its statutory provisions require finetuning. Today, we write to show our support for S5107C/A4921C, which address minor drafting errors and internal inconsistencies in the CPSA, and which incorporate feedback from New York family law practitioners. These bills correct scrivener's errors, such as alphabetizing the definitions sections, and provide for more substantive revisions including clarifying the residency requirement to afford heightened protections, strengthening donor agreements and parentage orders for children born through assisted reproduction, and providing for appropriate insurance coverage for surrogates while eliminating rigid requirements for intended parents. In sum, these updates address practical considerations and provide for improved access to critical legal protections.

In 2023, this bill passed in the Senate and faced the Assembly without substantive objections. Unfortunately, it ran out of time in the Assembly. We hope that its reintroduction will lead to its swift

enaction this legislative session as it currently stands, without any further amendments. We specifically oppose any amendments that would limit access to family building through assisted reproduction or surrogacy, or that unnecessarily alter birth certificates which, currently, properly reflect the legal parentage of children born through assisted reproduction.

Across the states and internationally, people are looking to New York's CPSA as a model for best surrogacy practices. Therefore, it is crucial to update the CPSA so that it provides the best and most comprehensive protections to all who need them. New Yorkers and gestational surrogates in New York state have already benefitted enormously from the passage of the CPSA. These updates provide additional clarity, improve access, and enhance protections.

Thank you for your time and consideration, and for all your work to protect LGBTQ+ parents and their children, and all New Yorkers who will benefit from the updated CPSA.

Sincerely,