

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]: _____