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In the Matter of a Parentage Proceeding Concerning

ORDER OF PARENTAGE–  
ASSISTED REPRODUCTION

File No. \_\_\_\_\_

A Child conceived as a result of Assisted Reproduction.  
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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 child's conception was accomplished through assisted reproduction; and

The petitioner(s) is/are [specify]:

- child
- parent
- participant
- person with a claim to parentage
- social services official or other governmental agency
- representative authorized by law to act for an individual who would otherwise be entitled to maintain a proceeding but who is deceased, incapacitated or a minor
- other individual with claim to parentage [specify] \_\_\_\_\_.

And all persons named in such petition required to be cited having duly been cited to show cause why such relief should not be granted or having consented thereto; and having  appeared  not appeared to answer the petition [specify] \_\_\_\_\_

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, the Court finds:

- The gestating parent became pregnant as a result of assisted reproduction.
- The residency requirement was satisfied as follows:
  - An intended parent has been a resident of New York for at least six months.
  - The child  was  will be born in New York within 90 days of filing of the petition.

The Court received a statement from both intended parents that the non-gestating intended parent consented to assisted reproduction.

**[Applicable to a known donor]:**

the Court received a record from the donor, signed by both the donor and the gestating intended parent, confirming that the donor has no parental or proprietary interest in the gametes or embryos.

OR

the Court found by clear and convincing evidence that the donor has no parental or proprietary interest in the gametes or embryos.

**[Applicable to an anonymous donor or where gametes or embryos have previously been released to a gamete or embryo storage facility or in the presence of a healthcare practitioner]:**

the Court received a statement or documentation from the storage facility or healthcare practitioner that the embryo or gamete was donated anonymously or previously released to the facility or practitioner.

OR

the Court found by clear and convincing evidence that the donor intended the donation to be anonymous or previously released the embryo or gamete to a storage facility or healthcare practitioner.

**[Applicable to a child already born]:**  IT IS, THEREFORE ORDERED, ADJUDGED and DECLARED that [name(s) of parent(s)] \_\_\_\_\_ is/are the legal parent(s) of [child's name] \_\_\_\_\_, a child born on [date of birth] \_\_\_\_\_, 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, [name(s) of parent(s)] \_\_\_\_\_ will be the legal parent(s) of the child who is expected to be born on or about [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;

AND IT IS FURTHER ORDERED and ADJUDGED that the donor, whether known or unknown, 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 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 \_\_\_\_\_

Dated:

\_\_\_\_\_, New York

\_\_\_\_\_  
SURROGATE