

STATE OF NEW YORK

4555--A

2025-2026 Regular Sessions

IN SENATE

February 6, 2025

Introduced by Sens. HOYLMAN-SIGAL, COONEY, FERNANDEZ, JACKSON, RAMOS, SEPULVEDA -- read twice and ordered printed, and when printed to be committed to the Committee on Children and Families -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the domestic relations law, the family court act and the public health law, in relation to establishing confirmatory adoptions and allowing courts to grant multi-parent adoption petitions; and to repeal certain provisions of the domestic relations law and the family court act relating thereto

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section 109 of the domestic relations law is amended by adding five new subdivisions 8, 9, 10, 11 and 12 to read as follows:

8. "Assisted reproduction" shall have the same meaning as in section 581-102 of the family court act.

9. "Donor" shall have the same meaning as in section 581-102 of the family court act.

10. "Marriage" shall have the same meaning as in section five hundred eighty-two of the family court act.

11. "Parent" shall have the same meaning as in section 581-102 of the family court act.

12. "Presumed parent" shall have the same meaning as in section five hundred eighty-two of the family court act.

§ 2. Section 110 of the domestic relations law, as amended by chapter 254 of the laws of 1991, the opening paragraph as amended by chapter 509 of the laws of 2010, the seventh undesignated paragraph as added by chapter 522 of the laws of 1999 and the closing paragraph as added by chapter 258 of the laws of 2019, is amended to read as follows:

§ 110. Who may adopt; effect of article. An adult unmarried person, an adult married couple together, or any [~~two~~] unmarried [~~adult intimate~~

EXPLANATION--Matter in italics (underscored) is new; matter in brackets [~~-~~] is old law to be omitted.

LBD08775-03-5

1 ~~partners~~ adults who intend to parent together may adopt another person.
2 An adult married person who is living separate and apart from [~~his or~~
3 ~~her~~] their spouse pursuant to a decree or judgment of separation or
4 pursuant to a written agreement of separation subscribed by the parties
5 thereto and acknowledged or proved in the form required to entitle a
6 deed to be recorded or an adult married person who has been living sepa-
7 rate and apart from [~~his or her~~] their spouse for at least three years
8 prior to commencing an adoption proceeding may adopt another person;
9 provided, however, that the person so adopted shall not be deemed the
10 child or step-child of the non-adopting spouse for the purposes of
11 inheritance or support rights or obligations or for any other purposes.
12 An adult or minor married couple together may adopt a child of either of
13 them [~~born in or out of wedlock~~] and an adult or minor spouse may adopt
14 such a child of the other spouse. No person shall hereafter be adopted
15 except in pursuance of this article, and in conformity with section
16 three hundred seventy-three of the social services law.

17 An adult married person who has executed a legally enforceable sepa-
18 ration agreement or is a party to a marriage in which a valid decree of
19 separation has been entered or has been living separate and apart from
20 [~~his or her~~] their spouse for at least three years prior to commencing
21 an adoption proceeding and who becomes or has been the custodian of a
22 child placed in their care as a result of court ordered foster care may
23 apply to such authorized agency for placement of said child with them
24 for the purpose of adoption. Final determination of the propriety of
25 said adoption of such foster child, however, shall be within the sole
26 discretion of the court, as otherwise provided herein.

27 Adoption is the legal proceeding whereby a person takes another person
28 into the relation of child and thereby acquires the rights and incurs
29 the responsibilities of parent in respect of such other person.

30 A proceeding conducted in pursuance of this article shall constitute a
31 judicial proceeding. An order of adoption or abrogation made therein by
32 a surrogate or by a judge shall have the force and effect of and shall
33 be entitled to all the presumptions attaching to a judgment rendered by
34 a court of general jurisdiction in a common law action.

35 No adoption heretofore lawfully made shall be abrogated by the enact-
36 ment of this article. All such adoptions shall have the effect of lawful
37 adoptions hereunder.

38 Nothing in this article in regard to a minor adopted pursuant hereto
39 inheriting from the adoptive parent applies to any will, devise or trust
40 made or created before June twenty-fifth, eighteen hundred seventy-
41 three, nor alters, changes or interferes with such will, devise or
42 trust. As to any such will, devise or trust a minor adopted before that
43 date is not an heir so as to alter estates or trusts or devises in wills
44 so made or created. Nothing in this article in regard to an adult
45 adopted pursuant hereto inheriting from the adoptive parent applies to
46 any will, devise or trust made or created before April twenty-second,
47 nineteen hundred fifteen, nor alters, changes or interferes with such
48 will, devise or trust. As to any such will, devise or trust an adult so
49 adopted is not an heir so as to alter estates or trusts or devises in
50 wills so made or created.

51 It shall be unlawful to preclude a prospective adoptive parent or
52 parents solely on the basis that the adoptor or adopters has had, or has
53 cancer, or any other disease. Nothing herein shall prevent the rejection
54 of a prospective applicant based upon [~~his or her~~] their poor health or
55 limited life expectancy.

1 A petition to adopt, pursuant to the terms of this article, where the
2 petitioner's parentage is legally-recognized under New York State law
3 shall not be denied solely on the basis that the petitioner's parentage
4 is already legally-recognized.

5 § 3. Article 7 of the domestic relations law is amended by adding a
6 new title 5 to read as follows:

7 TITLE V

8 CONFIRMATORY ADOPTIONS

9 Section 118. General provisions relating to confirmatory adoption.

10 119. Order of confirmatory adoption.

11 120. Effect of confirmatory adoption.

12 § 118. General provisions relating to confirmatory adoption. 1. When-
13 ever a child is born as a result of assisted reproduction and the person
14 or persons who did not give birth is a parent under section 581-303 of
15 the family court act or a presumed parent of the child under section
16 five hundred eighty-three of the family court act and the parents seek
17 to file a petition to confirm parentage through an adoption of the
18 child, the court shall permit the parents to file a petition for
19 adoption in accordance with this title.

20 2. Notwithstanding section one hundred fifteen of this article or any
21 provision of law to the contrary, a petition for confirmatory adoption
22 shall be signed by each petitioner under oath and shall include the
23 following:

24 (a) A petition for confirmatory adoption, signed by all petitioners;
25 and

26 (b) A copy of the petitioners' marriage certificate, if any of the
27 petitioners are married; and

28 (c) A declaration signed by all petitioners explaining the circum-
29 stances of the child's birth through assisted reproduction, attesting to
30 their consent to assisted reproduction, and attesting that no competing
31 claims of parentage exist; and

32 (d) A certified copy of the child's birth certificate.

33 3. Notwithstanding section one hundred fifteen of this article or any
34 provision of law to the contrary, submission of a complete petition
35 under this section constitutes notice of and written consent to the
36 confirmatory adoption and the court may not require any additional
37 notice to or consent by any petitioner.

38 4. Notwithstanding sections one hundred eleven, one hundred eleven-a,
39 one hundred fifteen, and one hundred fifteen-b of this article or any
40 provision of law to the contrary, if a petitioner under this section
41 conceived through assisted reproduction using a donor who is not a
42 parent pursuant to section 581-302 of the family court act, the court
43 may not require notice of the confirmatory adoption to that donor or the
44 consent of that donor to the confirmatory adoption.

45 5. Unless otherwise ordered by the court for good cause shown and
46 supported by written findings of the court demonstrating good cause, for
47 purposes of evaluating and granting a petition for confirmatory adoption
48 pursuant to this section, the court shall not require:

49 (a) A hearing or appearance; or

50 (b) Certification pursuant to section one hundred fifteen-d of this
51 article or any of the requirements included therein, including but not
52 limited to an investigation or criminal background check; or

53 (c) Orders of investigation, waiting periods, or any other require-
54 ments included in section one hundred sixteen of this article; or

55 (d) A best interest assessment pursuant to section one hundred four-
56 teen or one hundred sixteen of this article; or

1 (e) A minimum residency period in the home of the petitioners.

2 § 119. Order of confirmatory adoption. 1. The court shall grant the
3 confirmatory adoption petition under section one hundred eighteen of
4 this title and issue an adoption decree within thirty days upon finding
5 that either:

6 (a) The child was born through assisted reproduction to parents joined
7 in marriage, one of the petitioners gave birth to the child, and there
8 are no competing claims of parentage; or

9 (b) The child was born through assisted reproduction with the consent
10 of all petitioners, one of the petitioners gave birth to the child, and
11 the other petitioner or petitioners are parents under section 581-303 of
12 the family court act or presumed parents of the child under section five
13 hundred eighty-three of the family court act, and there are no competing
14 claims of parentage.

15 2. A petition to adopt a child pursuant to section one hundred eigh-
16 teen of this title shall not be denied on the basis that any of the
17 petitioners' parentage is already presumed or legally-recognized in New
18 York, nor shall a petition be denied on the basis that there are more
19 than two petitioners.

20 § 120. Effect of confirmatory adoption. 1. An order of confirmatory
21 adoption shall include all effects of adoption under section one hundred
22 seventeen of this article except that the termination of the parental
23 duties and responsibilities, and rights over the child or to property by
24 descent or succession of an existing parent or parents shall not apply
25 if such termination would be inconsistent with the order of confirmatory
26 adoption.

27 2. When parentage is presumed or legally-recognized under state law,
28 the fact that a party did not petition for adoption shall not be consid-
29 ered as evidence when two or more presumptions conflict, nor in deter-
30 mining the best interest of the child.

31 § 4. Subdivision (a) of section 70 of the domestic relations law, as
32 amended by chapter 457 of the laws of 1988, is amended to read as
33 follows:

34 (a) Where a minor child is residing within this state, [~~either~~] any
35 parent may apply to the supreme court for a writ of habeas corpus to
36 have such minor child brought before such court; and on the return ther-
37 eof, the court, on due consideration, may award the natural guardian-
38 ship, charge and custody of such child to [~~either~~] any parent for such
39 time, under such regulations and restrictions, and with such provisions
40 and directions, as the case may require, and may at any time thereafter
41 vacate or modify such order. In all cases there shall be no prima facie
42 right to the custody of the child in [~~either~~] any parent, but the court
43 shall determine solely what is for the best interest of the child, based
44 on factors listed in paragraphs one, two, three and four of subdivision
45 (a) of section five hundred eighty-six of the family court act, and what
46 will best promote [~~its~~] the child's welfare and happiness, and make
47 award accordingly. Where a court deems it to be in the child's best
48 interest, based on factors listed in paragraphs one, two, three and four
49 of subdivision (a) of section five hundred eighty-six of the family
50 court act, the court may award custody to more than two parents.

51 § 5. Section 24 of the domestic relations law is REPEALED.

52 § 6. Section 417 of the family court act is REPEALED.

53 § 7. The family court act is amended by adding a new article 5-D to
54 read as follows:

55 ARTICLE 5-D
56 PRESUMED PARENTAGE

1 Section 582. Definitions.

2 583. Presumption of parentage.

3 584. Challenge to a presumed parent.

4 585. Adjudicating parentage of child with presumed parent.

5 586. Adjudicating competing claims of parentage.

6 587. Preservation of parent-child relationship.

7 § 582. Definitions. In this article:

8 (a) "Marriage" means the legally recognized union of two people or any
9 legal relationship between two people that provides substantially the
10 same rights, benefits, and responsibilities of marriage and is recog-
11 nized as valid in the state or jurisdiction in which it was entered,
12 including, but not limited to, civil unions.

13 (b) "Parent" shall have the same meaning as in section 581-102 of this
14 act.

15 (c) "Presumed parent" means an individual who under section 583 of
16 this act is presumed to be a parent of a child, unless the presumption
17 is overcome in a judicial proceeding, or a court adjudicates the indi-
18 vidual to be a parent.

19 § 583. Presumption of parentage. (a) An individual is presumed to be a
20 parent of a child if:

21 (1) Except as otherwise provided under section 581-406 of this act:

22 (i) the individual and the person who gave birth to the child are
23 married to each other and the child is born during the marriage, regard-
24 less of whether the marriage is or could be declared invalid; or

25 (ii) the individual and the person who gave birth to the child were
26 married to each other and the child is born not later than three hundred
27 days after the marriage is terminated by death, divorce, dissolution,
28 annulment, or declaration of invalidity, regardless of whether the
29 marriage is or could be declared invalid; or

30 (iii) the individual and the person who gave birth to the child
31 married each other after the birth of the child, regardless of whether
32 the marriage is or could be declared invalid, the individual at any time
33 asserted parentage of the child, and:

34 (A) The assertion is in a record filed with a state or city agency
35 maintaining birth records; or

36 (B) The individual agreed to be and is named as a parent of the child
37 on the birth certificate of the child; or

38 (iv) the individual resided in the same household with the child and
39 openly held out the child as the individual's own child for a period of
40 at least one year, including any period of temporary absence.

41 (b) A presumption of parentage under this section may be overcome, and
42 competing claims to parentage may be resolved only by an adjudication
43 under section five hundred eighty-four or five hundred eighty-six of
44 this article.

45 § 584. Challenge to a presumed parent. During a child's minority, an
46 existing parent of the child may challenge a presumption of parentage
47 under subparagraph (iv) of paragraph one of subdivision (a) of section
48 five hundred eighty-three of this article with evidence that the parent
49 openly held out the child as the presumptive parent's child due to
50 duress, coercion, or threat of harm.

51 § 585. Adjudicating parentage of child with presumed parent. (a) A
52 civil proceeding may be maintained to adjudicate the parentage of a
53 child under the circumstances set forth in this article. This proceeding
54 shall be governed by the civil practice law and rules.

55 (b) A proceeding to adjudicate parentage of a presumed parent of a
56 child shall be commenced before the child turns twenty-one years old.

1 (c) A petition for a judgment of parentage or nonparentage of a child
2 with a presumed parent may be initiated by:

3 (1) a child, who may be, but is not required to be, a party to the
4 proceeding; or

5 (2) a parent; or

6 (3) a presumed parent.

7 (d) If the presumed parent and the person who gave birth to the child
8 are the only individuals with claims to parentage of the child, and if
9 no party to the proceeding challenges the presumed parent's parentage of
10 the child, the court shall adjudicate the presumed parent to be a parent
11 of the child.

12 (e) If any party to the proceeding challenges the presumption of
13 parentage pursuant to section five hundred eighty-four of this article,
14 the court shall adjudicate the parentage of the child in the best inter-
15 est of the child based on the factors listed in paragraphs one, two,
16 three and four of subdivision (a) of section five hundred eighty-six of
17 this article.

18 (f) If in a proceeding to adjudicate a presumed parent's parentage of
19 a child, another individual in addition to the person who gave birth to
20 the child asserts a claim to parentage of the child, the court shall
21 adjudicate parentage under sections five hundred eighty-six and five
22 hundred eighty-seven of this article and issue judgments of parentage
23 and/or nonparentage in accordance with its findings.

24 § 586. Adjudicating competing claims of parentage. (a) In a proceeding
25 to adjudicate competing claims of parentage of a child by two or more
26 individuals, the court shall adjudicate parentage in the best interest
27 of the child, based on:

28 (1) the age of the child; and

29 (2) the length of time during which each individual assumed the role
30 of parent of the child; and

31 (3) the nature of the relationship between the child and each individ-
32 ual; and

33 (4) the harm to the child if the relationship between the child and
34 each individual is not recognized; and

35 (5) the basis for each individual's claim to parentage of the child;
36 and

37 (6) other equitable factors arising from the disruption of the
38 relationship between the child and each individual or the likelihood of
39 other harm to the child.

40 § 587. Preservation of parent-child relationship. (a) A court may
41 adjudicate a child to have more than two parents if the court finds that
42 such adjudication is in the best interest of the child. A finding of the
43 best interest of the child shall not require a finding of unfitness of
44 any parent or person seeking an adjudication of parentage. In determin-
45 ing the best interest of the child, the court shall consider all rele-
46 vant factors, including factors listed in paragraphs one, two, three and
47 four of subdivision (a) of section five hundred eighty-six of this arti-
48 cle, and the intention of parents to raise a child together, including a
49 pre-conception agreement to parent or agreement to parent at any other
50 point in the child's life.

51 (b) If a court has adjudicated a child to have more than two parents,
52 the law of this state other than this act applies to determinations of
53 legal and physical custody of, or visitation with, such child, and to
54 obligations to support such child. A court of competent jurisdiction
55 shall consider the child support guidelines and the criteria for such
56 awards established in section two hundred forty-b of the domestic

relations law and section four hundred thirteen of this act in making or modifying orders of support of the child.

§ 8. Subdivision (c) of section 516-a of the family court act, as amended by section 15 of part L of chapter 56 of the laws of 2020, is amended to read as follows:

(c) An acknowledgment of parentage is void if, at the time of signing, any of the following are true:

(i) a person other than the signatories is a presumed parent of the child pursuant to ~~[section twenty-four of the domestic relations law]~~ section five hundred eighty-three of this act;

(ii) a court has entered a judgment of parentage of the child;

(iii) another person has signed a valid acknowledgment of parentage with regard to the child;

(iv) the child has a parent pursuant to section 581-303 of ~~[the family court]~~ this act other than the signatories;

(v) a signatory is a gamete donor under section 581-302 of ~~[the family court]~~ this act; or

(vi) the acknowledgment is signed by a person who asserts that they are a parent under section 581-303 of ~~[the family court]~~ this act of a child conceived through assisted reproduction, but the child was not conceived through assisted reproduction.

§ 9. Paragraph (d) of subdivision 1 of section 4135-b of the public health law, as added by section 8 of part L of chapter 56 of the laws of 2020, is amended to read as follows:

(d) An acknowledgment of parentage is void if, at the time of signing, any of the following are true:

(i) A person other than the signatories is a presumed parent of the child under ~~[section twenty-four of the domestic relations law]~~ section five hundred eighty-three of the family court act;

(ii) A court has entered a judgment of parentage of the child;

(iii) Another person has signed a valid acknowledgment of parentage with regard to the child;

(iv) The child has a parent under section 581-303 of the family court act other than the signatories;

(v) A signatory is a gamete donor under section 581-302 of the family court act;

(vi) The acknowledgment is signed by a person who asserts that they are a parent under section 581-303 of the family court act of a child conceived through assisted reproduction, but the child was not conceived through assisted reproduction.

§ 10. Subparagraphs 2 and 4 of paragraph (b) of subdivision 1 of section 413 of the family court act, as amended by chapter 567 of the laws of 1989, are amended to read as follows:

(2) "Child support" shall mean a sum to be paid pursuant to court order or decree by ~~[either or both]~~ one or more parents or pursuant to a valid agreement between the parties for care, maintenance and education of any unemancipated child under the age of twenty-one years.

(4) "Combined parental income" shall mean the sum of the income of ~~[both]~~ all parents.

§ 11. Clause (vi) of subparagraph 5 of paragraph (c) of subdivision 1 of section 413 of the family court act, as added by chapter 215 of the laws of 2009, is amended to read as follows:

(vi) Upon proof by ~~[either]~~ any party that cash medical support pursuant to clause (ii), (iii), (iv) or (v) of this subparagraph would be unjust or inappropriate pursuant to paragraph (f) of subdivision one of this section, the court shall:

1 (A) order the parties to pay cash medical support as the court finds
2 just and appropriate, considering the best interests of the child; and
3 (B) set forth in the order the factors it considered, the amount
4 calculated under this subparagraph, the reason or reasons the court did
5 not order such amount, and the basis for the amount awarded.

6 § 12. Subparagraphs 6 and 7 of paragraph (f) of subdivision 1 of
7 section 413 of the family court act, as amended by chapter 567 of the
8 laws of 1989, are amended to read as follows:

9 (6) The educational needs of [~~either~~] any parent;

10 (7) A determination that the gross income of one or more parent is
11 substantially less than [~~the other~~] another parent's gross income;

12 § 13. Paragraphs (g), (i) and (j) of subdivision 1 of section 413 of
13 the family court act, paragraphs (g) and (i) as amended by chapter 436
14 of the laws of 2011 and paragraph (j) as amended by chapter 59 of the
15 laws of 1993, are amended to read as follows:

16 (g) Where the court finds that the non-custodial parent's pro rata
17 share of the basic child support obligation is unjust or inappropriate,
18 the court shall order the non-custodial parent to pay such amount of
19 child support as the court finds just and appropriate, and the court
20 shall set forth, in a written order, the factors it considered; the
21 amount of each party's pro rata share of the basic child support obli-
22 gation; and the reasons that the court did not order the basic child
23 support obligation. Such written order may not be waived by [~~either~~] any
24 party or counsel; provided, however, and notwithstanding any other
25 provision of law, including but not limited to section four hundred
26 fifteen of this part, the court shall not find that the non-custodial
27 parent's pro rata share of such obligation is unjust or inappropriate on
28 the basis that such share exceeds the portion of a public assistance
29 grant which is attributable to a child or children. Where the non-custo-
30 dial parent's income is less than or equal to the poverty income guide-
31 lines amount for a single person as reported by the federal department
32 of health and human services, unpaid child support arrears in excess of
33 five hundred dollars shall not accrue.

34 (i) Where [~~either or both~~] any of the parties are unrepresented, the
35 court shall not enter an order or judgment other than a temporary order
36 pursuant to section two hundred thirty-seven of the domestic relations
37 law, that includes a provision for child support unless the unrepre-
38 sented party or parties have received a copy of the child support stand-
39 ards chart promulgated by the commissioner of the office of temporary
40 and disability assistance pursuant to subdivision two of section one
41 hundred eleven-i of the social services law. Where [~~either~~] any party is
42 in receipt of child support enforcement services through the local
43 social services district, the local social services district child
44 support enforcement unit shall advise such party or parties of the
45 amount derived from application of the child support percentage and that
46 such amount serves as a starting point for the determination of the
47 child support award, and shall provide such party or parties with a copy
48 of the child support standards chart.

49 (j) In addition to financial disclosure required in section four
50 hundred twenty-four-a of this article, the court may require that the
51 income and/or expenses of [~~either~~] any party be verified with documenta-
52 tion including, but not limited to, past and present income tax returns,
53 employer statements, pay stubs, corporate, business, or partnership
54 books and records, corporate and business tax returns, and receipts for
55 expenses or such other means of verification as the court determines
56 appropriate. Nothing herein shall affect any party's right to pursue

1 discovery pursuant to this chapter, the civil practice law and rules, or
2 the family court act.

3 § 14. Paragraph a and the opening paragraph and subparagraph 1 of
4 paragraph b of subdivision 3 of section 413 of the family court act, as
5 amended by chapter 398 of the laws of 1997, are amended to read as
6 follows:

7 a. One-time adjustment of child support orders issued prior to Septem-
8 ber fifteenth, nineteen hundred eighty-nine. Any party to a child
9 support order issued prior to September fifteenth, nineteen hundred
10 eighty-nine on the behalf of a child in receipt of public assistance or
11 child support services pursuant to section one hundred eleven-g of the
12 social services law may request that the support collection unit under-
13 take one review of the order for adjustment purposes pursuant to section
14 one hundred eleven-h of the social services law. A hearing on the
15 adjustment of such order shall be granted upon the objection of [~~either~~]
16 any party pursuant to the provisions of this section. An order shall be
17 adjusted if as of the date of the support collection unit's review of
18 the correct amount of child support as calculated pursuant to the
19 provisions of this section would deviate by at least ten percent from
20 the child support ordered in the last permanent support order of the
21 court. Additionally, a new support order shall be issued upon a showing
22 that the current order of support does not provide for the health care
23 needs of the child through insurance or otherwise. Eligibility of the
24 child for medical assistance shall not relieve any obligation the
25 parties otherwise have to provide for the health care needs of the
26 child. The support collection unit's review of a child support order
27 shall be made on notice to all parties to the current support order and
28 shall be subject to the provisions of section four hundred twenty-four-a
29 of this article. Nothing herein shall be deemed in any way to limit,
30 restrict, expand or impair the rights of any party to file for a modifi-
31 cation of a child support order as is otherwise provided by law.

32 Upon receipt of an adjustment finding and where appropriate a proposed
33 order in conformity with such finding filed by [~~either~~] any party or by
34 the support collection unit, a party shall have thirty-five days from
35 the date of mailing of the adjustment finding and proposed adjusted
36 order, if any, to submit to the court identified thereon specific writ-
37 ten objections to such finding and proposed order.

38 (1) If specific written objections are submitted by [~~either~~] any party
39 or by the support collection unit, a hearing shall be scheduled by the
40 court on notice to the parties and the support collection unit, who
41 shall have the right to be heard by the court and to offer evidence in
42 support of or in opposition to adjustment of the support order.

43 § 15. This act shall take effect immediately.