STATE OF NEW YORK

6959--A

2017-2018 Regular Sessions

IN ASSEMBLY

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Introduced by M. of A. PAULIN, TITONE, ZEBROWSKI, WEPRIN, GALEF, JAFFEE, OTIS, COOK, STIRPE, BENEDETTO, BRONSON, BRINDISI, MOSLEY, WALTER, ORTIZ, DINOWITZ, ROSENTHAL, STECK, HARRIS -- Multi-Sponsored by -- M. of A. ENGLEBRIGHT, GOTTFRIED, MAYER, PEOPLES-STOKES, SKARTADOS -- read once and referred to the Committee on Judiciary -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the family court act, in relation to establishing the child-parent security act; and to repeal section 73 and article 8 of the domestic relations law, relating to legitimacy of children born by artificial insemination and surrogate parenting contracts

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

Section 1. The family court act is amended by adding a new article 5-C to read as follows:

ARTICLE 5-C
CHILD-PARENT SECURITY ACT
PART 1. General provisions (581-101 - 581-103)
2. Judgment of parentage (581-201 - 581-205)
3. Child of assisted reproduction (581-301 - 581-307)
4. Gestational agreement (581-401 - 581-411)
5. Payment to donors and gestational carriers (581-501 - 581-502)
6. Miscellaneous provisions (581-601 - 581-604)

PART 1
GENERAL PROVISIONS

Section 581-101. Short title.
581-102. Purpose.
581-103. Definitions.

§ 581-101. Short title. This article shall be known and may be cited as the "child-parent security act".

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

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§ 581-102. Purpose. The purpose of this article is to legally establish a child's relationship to his or her parents where the child is conceived through collaborative reproduction.

§ 581-103. Definitions. (a) "Assisted reproduction" means a method of causing pregnancy other than sexual intercourse and includes but is not limited to:

1. intrauterine or vaginal insemination;

2. donation of gametes;

3. donation of embryos;

4. in vitro fertilization and transfer of embryos; and

5. intracytoplasmic sperm injection.

(b) "Assisted reproductive technology" or "ART" is any medical or scientific intervention, including, but not limited to, assisted reproduction, provided for the purpose of achieving live birth that results from assisted conception. Assisted conception means the formation of a human embryo outside the body with the intent to produce a live birth.

(c) "Child" means a live born individual of any age whose parentage may be determined under this act or other law.

(d) "Collaborative reproduction" involves artificial insemination with donor sperm and any assisted reproduction in which an individual other than the intended parent provides genetic material or agrees to act as a gestational carrier. It can include, but is not limited to, (1) attempts by the intended parent to create a child through means of a gestational arrangement, with or without the involvement of a donor, and (2) assisted reproduction involving a donor where a gestational carrier is not used.

(e) "Compensation" means payment of any valuable consideration for time, effort, pain and/or risk to health in excess of reasonable medical and ancillary costs.

(f) "Donor" means an individual who produces gametes and provides them to another person other than the individual's spouse for use in assisted reproduction, whether or not for compensation, and who does not intend to be a parent. Donor also includes an individual with dispositional control of an embryo who provides it to another person for the purpose of gestation and relinquishes all present and future parental and inheritance rights and obligations to a resulting child.

(g) "Embryo" means a cell or group of cells containing a diploid complement of chromosomes or group of such cells, not a gamete or gametes, that has the potential to develop into a live born human being if transferred into the body of a woman under conditions in which gestation may be reasonably expected to occur.

(h) "Embryo transfer" means all medical and laboratory procedures that are necessary to effectuate the transfer of an embryo into the uterine cavity.

(i) "Gamete" means a cell containing a haploid complement of DNA that has the potential to form an embryo when combined with another gamete. Sperm and eggs are gametes. A gamete may consist of nuclear DNA from one human being combined with the cytoplasm, including cytoplasmic DNA, of another human being.

(j) "Gestational agreement" is a contract between an intended parent and a gestational carrier intended to result in a live birth where the child will be the legal child of the intended parent.

(k) "Gestational carrier" means an adult person not an intended parent, who enters into a gestational agreement to bear a child who will be the legal child of the intended parent so long as she has not provided the egg used to conceive the resulting child.

(l) "Gestational carrier arrangement" means the process by which a gestational carrier attempts to carry and give birth to a child created through assisted reproduction so long as the gestational carrier has not provided the egg used to conceive the resulting child.

(m) "Health care practitioner" means an individual licensed or certified under title eight of the education law acting within his or her scope of practice.

(n) "Intended parent" is an individual who manifests the intent as provided in this act to be legally bound as the parent of a child resulting from assisted reproduction or collaborative reproduction.

(o) "In vitro fertilization" means the formation of a human embryo outside the human body.

(p) "Parent" means an individual who has established a parent-child relationship under this act or other law and includes, but is not limited to: (1) a child's birth parent who is not a gestational carrier or the spouse of the gestational carrier; (2) a child's genetic parent who is not the donor; (3) an individual who has legally adopted the child; (4) an individual who is a parent of the child pursuant to a legal presumption; (5) an individual who is a parent of the child pursuant to an acknowledgment or judgment of parentage pursuant to article two of this act or other law; (6) an individual who is a parent of the child pursuant to article three or four of this act.

(q) "Participant" means an individual who provides a biological or genetic component of assisted reproduction, an intended parent, and the spouse of an intended parent or gestational carrier. Gestation is a biological component within the meaning of this definition.

(r) "Record" means information inscribed in a tangible medium or stored in an electronic or other medium that is retrievable in perceivable form.

(s) "Retrieval" means the procurement of eggs or sperm from a gamete provider.

(t) "Spouse" means an individual married to another, or who has a legal relationship entered into under the laws of the United States or of any state, local or foreign jurisdiction, which is substantially equivalent to a marriage, including a civil union or domestic partnership.

(u) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

(v) "Transfer" means the placement of an embryo or gametes into the body of a woman with the intent to achieve pregnancy and live birth.

PART 2
JUDGMENT OF PARENTAGE

Section 581-201. Judgment of parentage.
581-202. Proceeding for judgment of parentage of a child born through assisted reproduction.
581-203. Proceeding for judgment of parentage of a child born pursuant to a gestational carrier arrangement.
581-204. Judgment of parentage for intended parents who are spouses.
581-205. Jurisdiction.

§ 581-201. Judgment of parentage. (a) A civil proceeding may be maintained to adjudicate the parentage of a child under the circumstances set forth in this article. This proceeding is governed by the civil practice law and rules.

(b) A judgment of parentage may be issued prior to birth but shall not become effective until the birth of the child.

(c) A judgment of parentage shall be issued by the court upon the petition of (1) a child, or (2) a parent or a presumed parent, or (3) a participant, or (4) the support/enforcement agency or other governmental agency authorized by other law, or (5) a 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, in order to legally establish the child-parent relationship of either a child born through assisted reproduction under part three of this article or a child born pursuant to a gestational carrier arrangement under part four of this article.

§ 581-202. Proceeding for judgment of parentage of a child born through assisted reproduction. (a) A proceeding for a judgment of parentage may be commenced:

(1) if the intended parent resides in New York state, in the county where the intended parent resides any time after pregnancy is achieved or in the county where the child was born or resides; or

(2) if the intended parent and child do not reside in New York state, up to ninety days after the birth of the child in the county where the child was born.

(b) The petition for a judgment of parentage must be verified and include the following:

(1) a statement that the intended parent has been a resident of the state for at least ninety days or if the intended parent is not a New York state resident, that the child was born in the state; and

(2) a statement from the gestating parent that the gestating parent became pregnant as a result of the donation of the gamete or embryo and a representation of non-access during the time of conception; and

(3) a statement that the non-gestating intended parent consented to assisted reproduction pursuant to section 581-304 of this article; and

(4) proof of donor's donative intent.

(c) The following shall be deemed sufficient proof of a donor's donative intent for purposes of this section:

(1) in the case of an anonymous donor or where gametes or embryos have previously been relinquished to a gamete or embryo storage facility, a statement from the gamete or embryo storage facility with custody of the gametes or embryos that the donor does not retain any parental or proprietary interest in the gametes or embryos; or

(2) in the case of a donation from a known donor, a record from the gamete or embryo donor acknowledging the donation and confirming that the donor has no parental or proprietary interest in the gametes or embryos. The record shall be signed by the gamete or embryo donor:

i. before a notary public, or

ii. before two witnesses who are not the intended parents, or

iii. before the health care provider, who supervised the donation.

(3) In the absence of a record pursuant to paragraph two of this subdivision, notice shall be given to the donor at least twenty days prior to the proceeding by delivery of a copy of the petition and notice. Upon a showing to the court, by affidavit or otherwise, on or before the date of the proceeding or within such further time as the court may allow, that personal service cannot be effected at the donor's last known address with reasonable effort, notice may be given, without prior court order therefore, at least twenty days prior to the proceeding by registered or certified mail directed to the donor's last known

address. Notice by publication shall not be required to be given to a donor entitled to notice pursuant to the provisions of this section.

(4) Notwithstanding the above, where sperm is provided under the supervision of a health care provider to someone other than the sperm provider's intimate partner or spouse without a record of the sperm provider's intent to parent, the sperm provider is presumed to be a Donor and notice is not required.

(d) Where a petition for parentage demonstrates the consent of the intended parent to assisted reproduction, the donative intent of the gamete or embryo donor and that the pregnancy resulted from the donation, the court shall issue a judgment of parentage:

(1) declaring, that upon the birth of the child, the intended parent is the only legal parent of the child; and

(2) ordering the intended parent to assume sole responsibility for the maintenance and support of the child immediately upon the birth of the child; and

(3) ordering that upon the birth of the child, a copy of the judgment of parentage be served on the (i) department of health or New York city department of mental health and hygiene, or (ii) registrar of births in the hospital where the child is born and directing that the hospital report the parentage of the child to the appropriate department of health in conformity with the court order. If an original birth certificate has already issued, the court shall issue an order directing the appropriate department of health to amend the birth certificate in an expedited manner and seal the previously issued birth certificate.

§ 581-203. Proceeding for judgment of parentage of a child born pursuant to a gestational carrier arrangement. (a) The proceeding may be commenced at any time after the gestational agreement has been executed by all of the parties. Any party to the gestational agreement not joining in the petition must be served with notice of the proceeding. Failure to respond to the notice shall be considered a default and no further notice shall be required.

(b) The petition for a judgment of parentage must be verified and include the following:

(1) A statement that the gestational carrier or the intended parent has been a resident of the state for at least ninety days at the time the gestational agreement was executed; and

(2) A certification from the attorneys representing the petitioners that the parties are eligible to participate in the gestational carrier arrangement as required by section 581-404 of this article and that the gestational agreement contains the required terms under section 581-405 of this article; and

(3) A statement that the parties entered into the gestational agreement knowingly and voluntarily.

(c) Where a petition satisfies subdivision (b) of this section, the court shall issue a judgment of parentage, without additional proceedings or documentation:

(1) Declaring, that upon the birth of a child born during the term of the gestational agreement, the intended parent is the legal parent of the child; and

(2) Declaring, that upon the birth of a child born during the term of the gestational agreement, the gestational carrier, and the gestational carrier's spouse, if any, is not the legal parent of the child; and

(3) Ordering the gestational carrier and the gestational carrier's spouse, if any, to transfer the child to the intended parent if this has not already occurred; and

(4) Ordering the intended parent to assume sole responsibility for the maintenance and support of the child immediately upon the birth of the child; and

(5) Ordering that upon the birth of the child, a copy of the judgment of parentage be served on the (i) department of health or New York city department of mental health and hygiene, or (ii) registrar of births in the hospital where the child is born and directing that the hospital report the parentage of the child to the appropriate department of health in conformity with the court order. If an original birth certificate has already issued, the court shall issue an order directing the appropriate department of health to amend the birth certificate in an expedited manner and seal the previously issued birth certificate.

(d) In the event the certification required by paragraph two of subdivision (b) of this section cannot be made because of a technical or non-substantial deviation from the requirements of sections 581-404 or 581-405 of this article; the court may nevertheless enforce the agreement and issue an order of parentage if the court determines the agreement is in substantial compliance with the requirements of sections 581-404 and 581-405 of this article.

(e) The agreement of the intended parent to pay reasonable compensation to the gestational carrier in excess of reasonable medical and ancillary costs shall not be a bar to the issuance of a judgment of parentage.

§ 581-204. Judgment of parentage for intended parents who are spouses. Notwithstanding or without limitation on presumptions of parentage that apply, a judgment of parentage may be obtained under this part by intended parents who are each other's spouse.

§ 581-205. Jurisdiction. Proceedings pursuant to this article may be instituted in the supreme, family or surrogate's court.

PART 3
CHILD OF ASSISTED REPRODUCTION

Section 581-301. Scope of article.
581-302. Status of donor.
581-303. Parentage of child of assisted reproduction.
581-304. Consent to assisted reproduction.
581-305. Limitation on spouses' dispute of parentage of child of assisted reproduction.
581-306. Effect of embryo disposition agreement between intended parents which transfers custody and control to one intended parent.
581-307. Effect of death of intended parent.

§ 581-301. Scope of article. This article does not apply to the birth of a child conceived by means of sexual intercourse.

§ 581-302. Status of donor. A donor is not a parent of a child conceived by means of assisted reproduction.

§ 581-303. Parentage of child of assisted reproduction. (a) An individual who provides gametes for assisted reproduction with the intent to be a parent of the child and consents to assisted reproduction with the consent of the gestating parent as provided in section 581-304 of this part, is a parent of the resulting child for all legal purposes.

(b) Upon application by any participant, the court shall issue a judgment of parentage to any participant who is a parent pursuant to this act.

§ 581-304. Consent to assisted reproduction. (a) Where the intended parent who gives birth to a child by means of assisted reproduction is a

spouse, the consent of both spouses to the assisted reproduction is presumed and neither spouse may challenge the parentage of the child, except as provided in section 581-305 of this part.

(b) Where the intended parent who gives birth to a child by means of assisted reproduction is not a spouse, the consent to the assisted reproduction must be in a record in such a manner as to indicate the mutual agreement of the intended parents to conceive and parent a child together.

(c) The absence of a record described in subdivision (b) of this section shall not preclude a finding that such consent existed if the court finds by clear and convincing evidence that at the time of the assisted reproduction the intended parents agreed to conceive and parent the child together.

§ 581-305. Limitation on spouses' dispute of parentage of child of assisted reproduction. (a) Except as otherwise provided in subdivision (b) of this section, neither spouse may challenge the presumption of parentage of the child unless:

(1) Within two years after learning of the birth of the child a proceeding is commenced to adjudicate parentage; and

(2) The court finds by clear and convincing evidence that either spouse did not consent for the non-gestating spouse to be a parent of the child.

(b) A proceeding for a judgment of parentage may be maintained at any time if the court finds by clear and convincing evidence that:

(1) The spouse did not consent to assisted reproduction by the individual who gave birth; and

(2) The spouse and the individual who gave birth have not cohabited since the spouse knew or had reason to know of the pregnancy; and

(3) The spouse never openly held out the child as his or her own.

(c) The limitation provided in this section applies to a spousal relationship that has been declared invalid after assisted reproduction or artificial insemination.

§ 581-306. Effect of embryo disposition agreement between intended parents which transfers custody and control to one intended parent. (a) An embryo disposition agreement between intended parents with joint custody and control of an embryo shall be binding under the following circumstances:

(1) it is in writing;

(2) each intended parent had the advice of counsel prior to its execution; and

(3) where the intended parents are married, transfer of custody and control occurs only upon divorce.

(b) The intended parent who transfers custody and control of the embryo is not a parent of any child born from the embryo unless the agreement states that he or she consents to be a parent.

(c) If the intended parent transferring custody and control consents to be a parent, he or she may withdraw his or her consent to be a parent upon notice to the embryo storage facility and to the other intended parent prior to transfer of the embryo. If he or she timely withdraws consent to parent he or she is not a parent for any purpose including support obligations but the embryo transfer may still proceed.

(d) An embryo disposition agreement or advance directive that is not in compliance with subdivision (a) of this section may still be found to be enforceable by the court after balancing the respective interests of the parties except that under no circumstances may the intended parent who divested him or herself of custody and control be declared to be a

parent for any purpose without his or her consent. The parent awarded custody and control of the embryos shall, in this instance, be declared to be the only parent of the child.

§ 581-307. Effect of death of intended parent. If an individual who consented in a record to be a parent by assisted reproduction dies before the transfer of eggs, sperm, or embryos, the deceased individual is not a parent of the resulting child unless the deceased individual consented in a signed record that if assisted reproduction were to occur after death, the deceased individual would be a parent of the child, provided that the record complies with the estates, powers and trusts law.

PART 4
GESTATIONAL AGREEMENT

Section 581-401. Gestational agreement authorized.
581-404. Eligibility.
581-405. Requirements of gestational agreement.
581-406. Termination of gestational agreement.
581-407. Gestational agreement: effect of subsequent spousal relationship.
581-408. Failure to obtain a judgment of parentage.
581-409. Dispute as to gestational agreement.
581-410. Inspection of records.
581-411. Exclusive, continuing jurisdiction.

§ 581-401. Gestational agreement authorized. (a) If eligible under this article to enter into a gestational agreement, a gestational carrier, the gestational carrier's spouse if applicable, and the intended parent may enter into a gestational agreement which will be enforceable provided the gestational agreement meets the requirements of this article.

(b) A gestational agreement shall not apply to the birth of a child conceived by means of sexual intercourse.

(c) A gestational agreement may provide for payment of compensation under part five of this article.

(d) A gestational agreement may not limit the right of the gestational carrier to make decisions to safeguard the gestational carrier's health or that of any fetus or embryo the gestational carrier is carrying.

(e) A gestational agreement may not limit the right of the gestational carrier to terminate the pregnancy or reduce the number of fetuses or embryos the gestational carrier is carrying.

§ 581-404. Eligibility. (a) A gestational carrier shall be eligible to enter into an enforceable gestational agreement under this article if the gestational carrier has met the following requirements at the time the gestational agreement is executed:

(1) The gestational carrier is at least twenty-one years of age; and

(2) The gestational carrier has not provided the egg used to conceive the resulting child; and

(3) The gestational carrier has completed a medical evaluation with a health care practitioner relating to the anticipated pregnancy; and

(4) The gestational carrier, and the gestational carrier's spouse if applicable have undergone legal consultation with independent legal counsel of their own choosing which may be paid for by the intended parent regarding the terms of the gestational agreement and the potential legal consequences of the gestational carrier arrangement; and

(5) The gestational carrier has, or the gestational agreement stipulates that prior to the embryo transfer, the gestational carrier will

obtain, a health insurance policy that covers major medical treatments and hospitalization, and the health insurance policy has a term that extends throughout the duration of the expected pregnancy and for eight weeks after the birth of the child; the policy may be procured and paid for by the intended parents on behalf of the gestational carrier pursuant to the gestational agreement.

(b) The intended parent shall be eligible to enter into an enforceable gestational agreement under this article if he, she, or they have met the following requirements at the time the gestational agreement was executed:

(1) He, she, or they have undergone legal consultation with independent legal counsel regarding the terms of the gestational agreement and the potential legal consequences of the gestational carrier arrangement; and

(2) He or she is an adult person who is not in a spousal relationship, or adult spouses together, or any two adults who are intimate partners together, except the spouse of the intended parent is not required to be a party to the gestational agreement and shall not have parental rights or obligations to the child where the intended parent and his or her spouse:

(i) are living separate and apart pursuant to a decree or judgment of separation or pursuant to a written agreement of separation subscribed by the parties thereto and acknowledged or proved in the form required to entitle a deed to be recorded; or

(ii) have been living separate and apart for at least three years prior to execution of the gestational agreement.

§ 581-405. Requirements of gestational agreement. (a) A gestational agreement shall be deemed to have satisfied the requirements of this article and be enforceable if it meets the following requirements:

(1) It shall be in a signed record verified by:

i. the intended parents, and

ii. the gestational carrier, and the gestational carrier's spouse, unless;

A. the gestational carrier and the gestational carrier's spouse are living separate and apart pursuant to a decree or judgment of separation or pursuant to a written agreement of separation subscribed by the parties thereto and acknowledged or proved in the form required to entitle a deed to be recorded; or

B. have been living separate and apart for at least three years prior to execution of the gestational agreement; and

(2) It shall be executed prior to the embryo transfer; and

(3) It shall be executed by a gestational carrier meeting the eligibility requirements of subdivision (a) of section 581-404 of this part and by the gestational carrier's spouse, unless the gestational carrier's spouse's signature is not required as set forth in this section; and

(4) It shall be executed by intended parents meeting the eligibility requirements of subdivision (b) of section 581-404 of this part; and

(5) The gestational carrier and the gestational carrier's spouse if applicable and the intended parents shall have been represented by separate, independent counsel in all matters concerning the gestational agreement; and

(6) If the gestational agreement provides for the payment of compensation to the gestational carrier, the compensation shall have been placed in escrow with an independent escrow agent prior to the gestational carrier's commencement of any medical procedure other than

medical evaluations necessary to determine the gestational carrier's eligibility; and

(7) The agreement must include information disclosing how the intended parents will cover the medical expenses of the surrogate and the child. If health care coverage is used to cover the medical expenses, the disclosure shall include a review of the health care policy provisions related to coverage for surrogate pregnancy, including any possible liability of the surrogate, third-party liability liens or other insurance coverage, and any notice requirements that could affect coverage or liability of the surrogate.

(8) The gestational agreement must include the following terms:

(i) As to the gestational carrier and the gestational carrier's spouse, if any:

(A) the agreement of the gestational carrier to undergo embryo transfer and attempt to carry and give birth to the child; and

(B) the agreement of the gestational carrier and the gestational carrier's spouse, if any, to surrender custody of all resulting children to the intended parent immediately upon the birth; and

(C) the right of the gestational carrier to utilize the services of a health care practitioner of the gestational carrier's choosing, to provide her care during the pregnancy; and

(ii) As to the intended parent:

(A) the agreement to accept custody of all resulting children immediately upon birth regardless of number, gender, or mental or physical condition; and

(B) the agreement to assume sole responsibility for the support of the child immediately upon the child's birth; and

(C) the agreement that the rights and obligations of the intended parent under the gestational agreement are not assignable.

§ 581-406. Termination of gestational agreement. After the execution of a gestational agreement but before the gestational carrier becomes pregnant by means of assisted reproduction, the gestational carrier, the gestational carrier's spouse, if any, or any intended parent may terminate the gestational agreement by giving notice of termination in a record to all other parties. Upon proper termination of the gestational agreement the parties are released from all obligations recited in the agreement except that the intended parent remains responsible for all expenses that are reimbursable under the agreement which have been incurred by the gestational carrier through the date of termination. Unless the agreement provides otherwise, the gestational carrier is entitled to keep all payments she has received and obtain all payments to which the gestational carrier is entitled. Neither a prospective gestational carrier nor the gestational carrier's spouse, if any, is liable to the intended parent for terminating a gestational agreement as provided in this section.

§ 581-407. Gestational agreement: effect of subsequent spousal relationship. After the execution of a gestational agreement under this article, the subsequent spousal relationship of the gestational carrier does not affect the validity of a gestational agreement, the gestational carrier's spouse's consent to the agreement shall not be required, and the gestational carrier's spouse shall not be the presumed parent of the resulting child.

§ 581-408. Failure to obtain a judgment of parentage. Where an intended parent or the gestational carrier fails to obtain a judgment of parentage pursuant to section 581-203 of this article, either because the gestational agreement does not meet the requirements of this article

or there was no gestational agreement, the parentage of a child will be determined based on the best interests of the child taking into account genetics and the intent of the parties. An intended parent's absence of genetic connection to the child is not a sufficient basis to deny that individual a judgment of legal parentage.

§ 581-409. Dispute as to gestational agreement. (a) Any dispute which is related to a gestational agreement other than disputes as to parentage shall be resolved by the supreme court, which shall determine the respective rights and obligations of the parties. If a gestational agreement does not meet the requirements of this article, except as set forth in subdivision (d) of section 581-203 of part two of this article the agreement is not enforceable.

(b) Except as expressly provided in the gestational agreement, the intended parent and the gestational carrier shall be entitled to all remedies available at law or equity in any dispute related to the gestational agreement.

(c) There shall be no specific performance remedy available for a breach by the gestational carrier of a gestational agreement term that requires the gestational carrier to be impregnated or to terminate the pregnancy or to reduce the number of fetuses or embryos the gestational carrier is carrying.

§ 581-410. Inspection of records. The proceedings, records, and identities of the individual parties to a gestational agreement under this article shall be sealed except upon the petition of the parties to the gestational agreement or the child born as a result of the gestational carrier arrangement.

§ 581-411. Exclusive, continuing jurisdiction. Subject to the jurisdictional standards of section seventy-six of the domestic relations law, the court conducting a proceeding under this article has exclusive, continuing jurisdiction of all matters arising out of the gestational agreement until a child born to the gestational carrier during the period governed by the agreement attains the age of one hundred eighty days.

PART 5
PAYMENT TO DONORS AND GESTATIONAL CARRIERS

Section 581-501. Reimbursement.
581-502. Compensation.

§ 581-501. Reimbursement. (a) A donor who has entered into a valid agreement to be a donor, may receive reimbursement from an intended parent for economic losses incurred in connection with the donation which result from the retrieval or storage of gametes or embryos.

(b) Premiums paid for insurance against economic losses directly resulting from the retrieval or storage of gametes or embryos for donation may be reimbursed.

§ 581-502. Compensation. (a) Compensation may be paid to a donor or gestational carrier based on services rendered, expenses and or medical risks that have been or will be incurred, time, and inconvenience. Under no circumstances may compensation be paid to purchase gametes or embryos or to pay for the relinquishment of a parental interest in a child.

(b) The compensation, if any, paid to a donor or gestational carrier must be reasonable and negotiated in good faith between the parties, and said payments to a gestational carrier shall not exceed the duration of the pregnancy and recuperative period of up to eight weeks after the birth of the child.

(c) Compensation may not be conditioned upon the purported quality or genome-related traits of the gametes or embryos.

(d) Compensation may not be conditioned on actual genotypic or phenotypic characteristics of the donor or of the child.

PART 6
MISCELLANEOUS PROVISIONS

Section 581-601. Remedial.
581-602. Severability.
581-603. Parent under section seventy of the domestic relations law.
581-604. Interpretation.

§ 581-601. Remedial. This legislation is hereby declared to be a remedial statute and is to be construed liberally to secure the beneficial interests and purposes thereof for the best interests of the child.

§ 581-602. Severability. The invalidation of any part of this legislation by a court of competent jurisdiction shall not result in the invalidation of any other part.

§ 581-603. Parent under section seventy of the domestic relations law. The term "parent" in section seventy of the domestic relations law shall include a person established to be a parent under this article or any other relevant law.

§ 581-604. Interpretation. Unless the context indicates otherwise, words importing the singular include and apply to several persons, parties, or things; words importing the plural include the singular.

§ 2. Section 73 of the domestic relations law is REPEALED.

§ 3. Article 8 of the domestic relations law is REPEALED.

§ 4. This act shall take effect on the one hundred twentieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made on or before such date.