STATE OF NEW YORK

4880--A

2025-2026 Regular Sessions

IN ASSEMBLY

February 7, 2025

Introduced by M. of A. GONZALEZ-ROJAS, LEVENBERG, TAPIA, SHIMSKY, ROMERO, P. CARROLL -- 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 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 partners~~] **adults who intend to parent** together may adopt another person.

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

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An adult married person who is living separate and apart from [~~his or her~~] **their** spouse 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 an adult married person who has been living separate and apart from [~~his or her~~] **their** spouse for at least three years prior to commencing an adoption proceeding may adopt another person; provided, however, that the person so adopted shall not be deemed the child or step-child of the non-adopting spouse for the purposes of inheritance or support rights or obligations or for any other purposes. An adult or minor married couple together may adopt a child of either of them [~~born in or out of wedlock~~] and an adult or minor spouse may adopt such a child of the other spouse. No person shall hereafter be adopted except in pursuance of this article, and in conformity with section three hundred seventy-three of the social services law.

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

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

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

No adoption heretofore lawfully made shall be abrogated by the enactment of this article. All such adoptions shall have the effect of lawful adoptions hereunder.

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

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

A petition to adopt, pursuant to the terms of this article, where the petitioner's parentage is legally-recognized under New York State law

shall not be denied solely on the basis that the petitioner's parentage is already legally-recognized.

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

TITLE V

CONFIRMATORY ADOPTIONS

Section 118. General provisions relating to confirmatory adoption.
119. Order of confirmatory adoption.
120. Effect of confirmatory adoption.

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

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

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

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

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

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

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

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

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

(a) A hearing or appearance; or

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

(c) Orders of investigation, waiting periods, or any other requirements included in section one hundred sixteen of this article; or

(d) A best interest assessment pursuant to section one hundred fourteen or one hundred sixteen of this article; or

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

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

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

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

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

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

2. When parentage is presumed or legally-recognized under state law, the fact that a party did not petition for adoption shall not be considered as evidence when two or more presumptions conflict, nor in determining the best interest of the child.

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

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

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

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

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

ARTICLE 5-D
PRESUMED PARENTAGE

Section 582. Definitions.

583. Presumption of parentage.
584. Challenge to a presumed parent.
585. Adjudicating parentage of child with presumed parent.
586. Adjudicating competing claims of parentage.
587. Preservation of parent-child relationship.

§ 582. Definitions. In this article:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) a parent; or

(3) a presumed parent.

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

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

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

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

(1) the age of the child; and

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

(3) the nature of the relationship between the child and each individual; and

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

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

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

§ 587. Preservation of parent-child relationship. (a) A court may adjudicate a child to have more than two parents if the court finds that such adjudication is in the best interest of the child. A finding of the best interest of the child shall not require a finding of unfitness of any parent or person seeking an adjudication of parentage. In determining the best interest of the child, the court shall consider all relevant factors, including factors listed in paragraphs one, two, three and four of subdivision (a) of section five hundred eighty-six of this article, and the intention of parents to raise a child together, including a pre-conception agreement to parent or agreement to parent at any other point in the child's life.

(b) If a court has adjudicated a child to have more than two parents, the law of this state other than this act applies to determinations of legal and physical custody of, or visitation with, such child, and to obligations to support such child. A court of competent jurisdiction shall consider the child support guidelines and the criteria for such 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:

(A) order the parties to pay cash medical support as the court finds just and appropriate, considering the best interests of the child; and

(B) set forth in the order the factors it considered, the amount calculated under this subparagraph, the reason or reasons the court did not order such amount, and the basis for the amount awarded.

§ 12. Subparagraphs 6 and 7 of paragraph (f) 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:

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

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

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

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

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

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

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

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

a. One-time adjustment of child support orders issued prior to September fifteenth, nineteen hundred eighty-nine. Any party to a child support order issued prior to September fifteenth, nineteen hundred eighty-nine on the behalf of a child in receipt of public assistance or child support services pursuant to section one hundred eleven-g of the social services law may request that the support collection unit undertake one review of the order for adjustment purposes pursuant to section one hundred eleven-h of the social services law. A hearing on the adjustment of such order shall be granted upon the objection of [~~either~~] **any** party pursuant to the provisions of this section. An order shall be adjusted if as of the date of the support collection unit's review of the correct amount of child support as calculated pursuant to the provisions of this section would deviate by at least ten percent from the child support ordered in the last permanent support order of the court. Additionally, a new support order shall be issued upon a showing that the current order of support does not provide for the health care needs of the child through insurance or otherwise. Eligibility of the child for medical assistance shall not relieve any obligation the parties otherwise have to provide for the health care needs of the child. The support collection unit's review of a child support order shall be made on notice to all parties to the current support order and shall be subject to the provisions of section four hundred twenty-four-a of this article. Nothing herein shall be deemed in any way to limit, restrict, expand or impair the rights of any party to file for a modification of a child support order as is otherwise provided by law.

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

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

§ 15. This act shall take effect immediately.