§ 124. Proceedings regarding parental rights, status or obligations. In any action or proceeding involving a purported genetic surrogacy parenting agreement, the parentage of the child will be determined based on the laws of New York state and:

1. the court shall not consider the genetic surrogate's participation in a genetic surrogate parenting agreement as adverse to their parental rights, status, or obligations; and

2. the court, having regard to the circumstances of the case and of the respective parties including the parties' relative ability to pay such fees and expenses, in its discretion and in the interests of justice, may award to either party reasonable and actual counsel fees and legal expenses incurred in connection with such action or proceeding. Such award may be made in the order or judgment by which the particular action or proceeding is finally determined, or by one or more orders from time to time before the final order or judgment, or by both such order or orders and the final order or judgment; provided, however, that in any dispute involving a genetic surrogate who has executed a valid surrender or consent to the adoption, nothing in this section shall empower a court to make any award that it would not otherwise be empowered to direct.