

May 23, 2019

Dear Speaker Heastie, Majority Leader Stewart-Cousins, and Members of the New York State Legislature:

We are writing to thank you for your longtime leadership on behalf of LGBTQ people and to urge you to help pass the Child-Parent Security Act (S2071/A1071), which would modernize New York's antiquated laws for individuals and couples who rely on medical advances to form families.

The past thirty years have opened doors to LGBTQ families that had never before existed. Medical advances have made it possible for couples and individuals to build families in new ways; simultaneously, the success of the marriage equality movement resulted in deep legal protections for families headed by same-sex couples who have chosen to marry, including protections related to bringing children into their family. Unfortunately, New York's outdated laws lag far behind most other states in protecting these modern families.

New York is one of only three states nationwide that bans compensated surrogacy agreements, forcing New Yorkers – including LGBTQ New Yorkers – who want to work with a surrogate to form their families to leave the state to do so. Additionally, New York courts overemphasize biology over the clear intentions of the parties who bring a child into the world. As a result, sperm and egg donors may be held to have legal rights and responsibilities that they don't want, while intended parents and their children too often live with unacceptable legal uncertainty.

One example of the practical burdens imposed by New York law: despite parentage protections flowing from marriage, married same-sex couples who seek to become parents through the use of a sperm donor are still encouraged to undergo a full second-parent adoption process to ensure the parental rights of the non-biological mother are protected when traveling outside of New York. This requires costly and intrusive criminal and child abuse clearances, medical certifications, and a home study and can take months after the child is born. Other states have much simpler, less expensive, and more humane legal processes that allow intended parents to obtain a court order of parentage establishing that both members of the couple are the legal parents before the child is born.

For LGBTQ parents, New York's outdated system creates genuine hardship while sending a powerful and painful message about how they are still viewed in the eyes of the law. That message is in stark contrast to all the progress that's been achieved for LGBTQ people in New York state for which we have all fought so hard.

Updating our laws has never been more essential: interest among LGBTQ people in forming families is growing rapidly. A recent study by the Family Equality Council found that 63 percent of LGBTQ millennials are considering forming families, and 48 percent of those interested in

beginning families are in the active planning stages. This contrasts with today, when about one-third of LGBTQ adults are parents.

The Child-Parent Security Act, sponsored by Senator Brad Hoylman and Assemblymember Amy Paulin, would bring New York's laws up to date. Intended parents who enlist the help of third-parties to achieve pregnancy would have secure legal relationships with their children from the moment of birth. All parents, whether biologically related to the children or not, and whether married or not, would be recognized as parents from day one without the need for an intrusive second parent adoption. And gestational surrogacy would be allowed, provided that the arrangement follows best practices in the field that protect the interests of the surrogate, intended parents, and child.

This summer marks the 50th anniversary of Stonewall, and the eyes of the world will be on New York. It's time for state law to protect many more of our families and to recognize and support these LGBTQ parents and their children. It's time for New York, once a leader, to catch up.

Thank you for your consideration.

Sincerely,

Albany Damien Center
Equality New York
Family Equality Council
Gay Men's Health Crisis
GLBTQ Legal Advocates & Defenders
Hetrick-Martin Institute
Hispanic Health Network
Housing Works
Hudson Valley LGBTQ Community Center
Human Rights Campaign
Jim Owles Liberal Democratic Club
Lambda Legal
Latino Commission on AIDS
Lesbian and Gay Democratic Club of Queens
The Lesbian, Gay, Bisexual & Transgender Community Center
The LOFT: LGBT Community Center (Westchester County)
Men Having Babies
National Center for Lesbian Rights
New York Transgender Advocacy Group
Oasis, Latino LGBTs Wellness Center
Pride and Joy Families, Binghamton University
Pride for Youth & Long Island Crisis Center
SAGE: Advocacy and Services for LGBT Seniors
Stonewall Democratic Club of New York City

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