

Our partner, Linda Genero Sklaren, was quoted extensively in the lead story in the **October 6, 2017 New York Law Journal** regarding the milestone New York State Appellate Division ruling establishing “presumption of legitimacy” for children born into same-sex marriages in the case, [In re Maria-Irene D.](#) “In a decision some gay-rights lawyers are calling a landmark,” the NYLJ wrote, a state appeals court has **recognized** for the first time that New York state’s family law “presumption of legitimacy” - which says that a child born during a marriage is presumed to be both spouses’ child—applies to a child born to a same-sex married couple.

Ms. Sklaren, along with our partner, Eric Wrubel, who were of counsel for the non-biological husband on the appeal, told the NYLJ that the decision is “another step toward true marriage equality.” She added that, “[M]ost importantly, it’s a victory for children of same-sex marriages because it protects their rights to continue their relationships with both of their same-sex parents.”

The NYLJ additionally quoted Ms. Sklaren saying that a state appeals court recognizing the “presumption of legitimacy” for same-sex married couples was particularly important because “with technology as it is today [with respect to surrogate births] for same-sex couples, both spouses in same-sex marriage are not going to be biologically related to a child. “The nonbiological spouse now has rights, and that child is presumed to be the legitimate child of both parents.”

Ms. Sklaren and Mr. Wrubel also briefed the appeal for the lead appellant in the 2016 Court of Appeals landmark case in [Matter of Brooke S.B. v. Elizabeth A.C.C.](#), which expanded the definition of “parenthood” in New York by ruling that the nonmarried, homosexual ex-partner of a biological parent could seek custody or visitation rights to the child they earlier had agreed to conceive and raise together as co-parents.