



For Immediate Release: 2/11/2020

GOVERNOR ANDREW M. CUOMO

## GOVERNOR CUOMO LAUNCHES 'LOVE MAKES A FAMILY' CAMPAIGN TO LEGALIZE GESTATIONAL SURROGACY

*Governor's Budget Proposal Establishes Criteria for Surrogacy Contracts and Surrogates Bill of Rights, Providing Nation's Strongest Protections for Parents and Surrogates*

*Legislation Also Streamlines 'Second Parent Adoption' Process, Removing Outdated Barriers and Extending Common-Sense Protections for New Yorkers Starting Families*

*Governor Forms Diverse 'Love Makes a Family' Campaign Council to Help Organize and Build Support for Budget Proposal*

*Launches [Petition](#), New [Website](#) and [Video Testimonial](#)*

Governor Andrew M. Cuomo today launched the "Love Makes a Family" campaign to legalize gestational surrogacy and help support LGBTQ individuals and people struggling with fertility start families. The campaign will include the creation of the Love Makes a Family Council, as well as a [petition](#) where New Yorkers can endorse the Governor's proposal, a new campaign [website](#) and [video testimonials](#). This proposal was first advanced in the Governor's FY 2020 Executive Budget, and was a key component of the Governor's 2020 State of the State and FY 2021 Executive Budget.

"New York was the first big state to pass marriage equality, and we are a national leader on LGBTQ rights. It is shameful that we are only one of three states that does not allow LGBTQ individuals and people struggling with fertility to use gestational surrogacy to start families," **Governor Cuomo said**. "This antiquated law is repugnant to our values and we must repeal it once and for all and enact the nation's strongest protections for surrogates and parents choosing to take part in the surrogacy process. This year we must pass gestational surrogacy and expedite the second parent adoption process to complete marriage and family equality."

"All New Yorkers should have the access and opportunity to start and expand their family," **said Lieutenant Governor Kathy Hochul**. "New York led the way with marriage equality and establishing rights and protections for the LGBTQ community. It's long overdue that we legalize gestational surrogacy and help all couples, including LGBTQ couples, struggling with fertility. We are committed to fighting for stronger

protections for surrogates and parents and supporting families across the state as part of our overall efforts to establish full equality for all."

**Andy Cohen said,** "I came to New York years ago so I could live my life openly, but I had to leave New York to start my family. New York has long been a leader in advancing the interests of women and the LGBTQ community, and it's time to keep that tradition alive by passing the Child-Parent Security Act. With the Love Makes a Family Campaign, Governor Cuomo is leading the charge to protect modern families."

**Michelle Buteau said,** "There are so many misconceptions out there about surrogacy. I hope by talking about it, and by telling our stories, that we can start to correct the misconceptions, and work together to make it one step easier for women who have already endured so much. I want to thank Governor Cuomo for his leadership in making surrogacy a priority - because Love Makes a Family, no matter how that family is created."

**Reshma Saujani, founder and CEO of Girls Who Code, said,** "For so many people, surrogacy is a shot where there wasn't one. Hope where there wasn't any. It's a blessing. It's love. It's time for New York State to pass the Child Security Act. Our families, surrogates, and children deserve the full support and protection of a modernized family law."

**Alexis Cirel, New York Women's Bar Association, said,** "It is almost impossible to believe that women with fertility issues must travel out-of-state to have a child through surrogacy. Surrogacy is a safe and regulated practice in many states that allows couples who cannot conceive on their own to bring a child into this world and start a family of their own. I support the Governor's proposal to help countless families by legalizing surrogacy in New York, and I thank him for not giving up on this important fight."

**Amanda Rice, Founder and CEO of The Chick Mission, Inc., said,** "The Chick Mission applauds Governor Cuomo on his renewed push to legalize gestational surrogacy in New York State in 2020. For many cancer survivors struggling with fertility issues post treatment, surrogacy provides an incredible opportunity to bring a child into the world. We support the Governor's plan to make surrogacy legal in New York."

**Denise Seidelman, Academy of Adoption and Assisted Reproduction Attorneys, said,** "Infertile families in New York deserve the opportunity to build families of their own safely and without having to travel across the country to do so. It is past time to fix our state's antiquated laws that inhibit New Yorkers from taking advantage of all family building options, and we thank Governor Cuomo for his ongoing commitment to legalizing gestational surrogacy and updating New York State's parentage laws for children conceived with the assistance of medical technology."

**Glenda Testone, Executive Director of The Lesbian, Gay, Bisexual & Transgender Community Center, said,** "LGBTQ New Yorkers continue to have to

fight for the right to conceive by surrogacy, even as that right has been granted in many other states. New York State must lead by example in protecting and advancing the rights of LGBTQ people who simply desire to have a family, like so many other New Yorkers. Governor Cuomo's proposal shows that he continues to lead the charge for LGBTQ equality."

**Kristen Prata Browde, Board President, LGBT Bar Association of New York, said,** "Surrogacy is how couples with fertility issues and LGBTQ New Yorkers get their families started. I'm grateful that Governor Cuomo is standing with us - as he has consistently - and I know that like us, he won't stop until this landmark legislation is the law in New York."

**Risa Levine, RESOLVE: The National Infertility Association, said,** "Infertility is hard enough without having to travel out of state when you discover you need the help of a surrogate. It's time to reverse New York's antiquated law and help infertile couples have a chance at a family they deserve."

**Stan J. Sloan, CEO of the Family Equality Council, said,** "Every human has a fundamental right to have a family. We cannot continue to tell women and LGBTQ New Yorkers who wish to work with a surrogate that this right does not apply to them because of an antiquated law that our legislators refuse to change. I thank the Governor for being a champion of progress and I stand with him in continuing to call for an end to the ban on gestational surrogacy."

Members of the Love Makes a Family Council include:

- Andy Cohen, Bravo TV producer and host
- Michelle Buteau, stand-up comedian, actress and podcast host
- Reshma Saujani, Girls Who Code
- Alexis Cirel, New York Women's Bar Association
- Amanda Rice, The Chick Mission, Inc.
- Brian Esser, Equality New York
- Cathy Sakimura, National Center for Lesbian Rights
- Christine Quinn, WIN
- Cynara Charles-Pierre, Parent
- Cynthia Dames, New Pride Agenda
- Denise Seideman, Academy of Adoption and Assisted Reproduction Attorneys
- Glenda Testone, LGBT Center
- Guillermo Chacon, Latino Commission on AIDS
- Kelsey Louie, Gay Men's Health Crisis
- Kiara St. James, New York Transgender Advocacy Group
- Kristen Prata Browde, LGBT Bar Association of New York
- Risa Levine, RESOLVE: The National Infertility Association
- Richard Grazi, American Society for Reproductive Medicine
- Rod Townsend, Stonewall Democrats of NYC
- Ron Poole-Dayana, Men Having Babies
- Rose Christ, Stonewall Democrats of NYC

- Stan Sloan, Family Equality Council

Current New York law prohibits gestational surrogacy, creating legal uncertainty for parents using reproductive technology to conceive a child. The Governor's proposed legislation will establish criteria for surrogacy contracts and a surrogacy bill of rights that would provide the nation's strongest protections for surrogates and parents and streamline the "second parent adoption" process, removing outdated barriers and extending common-sense protections for New Yorkers looking to start their families.

The new legislation will:

- Lift the State's harmful ban on gestational surrogacy. Under current law, paid surrogacy is punishable by a fine, and unpaid surrogacy agreements are unenforceable and not legally binding.
- Create the Surrogates' Bill of Rights, which will guarantee the strongest protections in the nation for surrogates, ensuring the unfettered right of surrogates to make their own health care decisions, including whether to terminate or continue a pregnancy, and that surrogates have access to comprehensive health insurance and independent legal counsel of their choosing, all paid for by the intended parents.
- Create legal protections for parents of children conceived by reproductive technologies such as artificial insemination and egg donation.
- Establish criteria for surrogacy contracts to protect all parties in the process.
- Eliminate burdensome and often expensive barriers for "second parent adoption," instead requiring a single visit to court to recognize legal parenthood while the child is in utero.

### **Legalizing Gestational Surrogacy**

Governor Cuomo has long championed the rights of LGBTQ individuals and has sought to ensure that all New Yorkers have equal ability to start and raise families in this State. Gestational surrogacy provides same-sex couples and people struggling with fertility the ability to conceive a child with the help of medical advances in assisted reproduction. Current state laws not only ban gestational surrogacy, but also fail to clearly define who the legal parents are when a child is conceived via reproductive technology. Forty-seven other states permit gestational surrogacy. Governor Cuomo will once again champion legislation to lift this ban.

### **Streamlining "Second Parent Adoption"**

The legal process known as "Second Parent Adoption" currently presents many antiquated barriers to individuals, particularly same-sex couples, seeking to adopt their partner's biological child.

The process can take about a year and imposes many burdensome expenses, including lawyer's fees, court fees and fees for the mandatory home visit from a social worker that can cost up to \$5,000. Petitioning parents must also provide a letter stating their position and salary, a letter from their primary physician, a letter from the child's pediatrician stating the child is in good health, a list of every residence the petitioning

parent has lived in for the past 28 years and relevant financial information, in addition to providing fingerprints for a background check.

Governor Cuomo's legislation would simplify and streamline this process by instead requiring a single visit to court to recognize legal parenthood while the child is in utero.

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