

NYA AFF

New York Attorneys for Adoption & Family Formation

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April 7, 2025

TO: New York State Unified Court System
Family Court Advisory & Rules Committee

Re: **Substitution of gender-neutral parentage language for paternity and filiation in proceedings**

Dear Sir/Madam:

We, the undersigned, are a group of adoption and assisted reproduction law attorneys and other adoption and child-welfare professionals from across New York State, who work with adoptive families, children, child welfare agencies and the court system to protect and advocate for the rights of adoptive children and their families.

This letter is respectfully submitted in support of your recent proposal in the 2025 Report of the Family Court Advisory & Rules Committee, to amend the Family Court Act, Domestic Relations Law, CPLR, and various other statutes, to incorporate gender neutral language regarding proceedings to determine parentage/parenthood for New York families.

As you correctly pointed out in your Report, the Child-Parent Security Act (“CPSA”), which became law in New York in 2021, legalized gestational surrogacy arrangements and established a mechanism for parents who conceived children through assisted reproduction technology to legally secure their parental rights. In that legislation, our State acknowledged that families are created in a variety of ways. The CPSA appropriately used gender neutral language, including re-naming what were formally known as “acknowledgements of paternity” to



“acknowledgments of parentage.” However, as you know, the CPSA did not amend Article 5 of the Family Court Act (the section that deals with “paternity” proceedings), which leaves that portion of the statute filled with now-archaic references to “paternity” rather than more appropriate, gender-neutral, terminology.

Your proposed amendment, which would substitute the more encompassing term “parentage” for the now-outdated terms “paternity” and “filiation,” would result in making this terminology consistent across all applicable statutes. For years now, our legislature and court system have recognized that parentage can be established in a variety of ways, not simply those delineated in the Family Court Act, which further underscores the importance of making this important legislative change. For instance, courts have recognized that non-biological, non-adoptive parents can be treated as legal parents in certain circumstances (*see Brooke S.B. v. Elizabeth A.C.C.*, 28 NY3d 1 [2016]), and courts have applied principles of equitable estoppel to questions of parentage/paternity (*see Shondel J. v. Mark D.*, 7 NY3d 320 [2006]).

As you so artfully pointed out in your Report: “Modernizing the terminology in the Family Court Act...is not simply a matter of semantics...It is time for New York State statutes to catch up with evolving definitions of parenthood, as well as advancing science.” Our organization could not agree more.

If and when this proposed amendment is introduced to the legislature, our organization would be eager partners with OCA to support the bill, and we would happily submit a memorandum in support of the amendment at such time. Please contact the President of our organization, Kathleen (“Casey”) Copps DiPaola, at **518-436-4170**, or by email at kdipaola@theCDSLAWFirm.com to discuss how NYAAFF can be involved in this important conversation. Thank you for your time and attention.

Kathleen (“Casey”) Copps DiPaola

New York Attorneys for Adoption & Family Formation

By: Kathleen (“Casey”) Copps DiPaola, Esq.

1 Marcus Blvd., Suite 200

Albany, New York 12205

Phone: (518) 436-4170

kdipaola@theCDSLAWFirm.com

