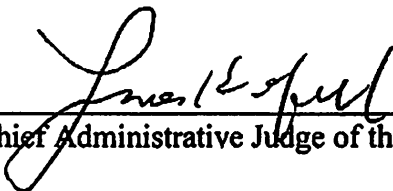


**ADMINISTRATIVE ORDER OF THE
CHIEF ADMINISTRATIVE JUDGE**

Pursuant to section 214 of the Family Court Act and section 212 of the Judiciary Law, I hereby prescribe the following four forms for use in Family Court proceedings in the courts of the State of New York:

Parentage Forms [Family Court Act Article 5-C]

Form 5-C-1	Petition (Surrogacy Agreement)
Form 5-C-2	Order (Surrogacy Agreement)
Form 5-C-3	Petition (Assisted Reproduction)
Form 5-C-4	Order (Assisted Reproduction)
Form 5-C-5	Summons (Surrogacy Agreement or Assisted Reproduction)



Chief Administrative Judge of the Courts

Dated: February 11, 2021

AO/057/2021

EXHIBIT B

F.C.A. Art. 5-C

Parentage Form 5-C-1
(Parentage Petition-
Surrogacy Agreement)
(1/2021)

FAMILY COURT OF THE STATE OF NEW YORK
COUNTY OF

.....
In the Matter of a Parentage Proceeding Concerning

[Child's name]:

A child conceived as a result of a Surrogacy Agreement

Family File No.
Docket No.
PARENTAGE PETITION-
SURROGACY AGREEMENT

Petitioner(s)

.....
TO THE FAMILY COURT:

The undersigned Petitioner(s) respectfully allege(s) that:

1. [check applicable box]: I am We are the intended parent(s) of a child,

[specify name of child or, if not yet born, expected name if known of child]: , who

a. was born on [specify date]: [check applicable box if known]:
and is a male female non-binary/other. The child resides in [specify county]:

b. is expected to be born on or about [specify date]: . The
child upon birth, is expected to reside in [specify county]:

2. a. The following person is acting as the surrogate (gestating parent) for the child:

Name:
Date of Birth:
Address:

b. [Delete if inapplicable]: The person acting as surrogate is married to [specify name]:

3. The person acting as the surrogate knowingly and voluntarily executed a surrogacy agreement
with me us on [specify date]:

A copy of the agreement is annexed to this Petition.

4. I am We are submitting this petition to request an order declaring the following:

Name:	Name:
Date of Birth:	Date of Birth:
Address ¹ :	Address: ²

to be the legal parent(s) of the child.

5. a. At the time that the surrogacy agreement was executed, the following intended parent(s) had resided in New York State for at least six months:

b. [If applicable]: At the time that the surrogacy agreement was executed, the following intended parent had not resided in New York State for at least six months:

c. At the time that the surrogacy agreement was executed, the person acting as a surrogate had had not resided in New York for at least six months.

6. The following attorneys, representing the intended parent(s) and the person acting as surrogate, have certified that the surrogacy agreement complies with Part 4 of Article 5-C of the Family Court Act:

Copies of the attorneys' certifications are annexed to this Petition.

7. Annexed to this petition is/are (a) statement(s) from all parties to the surrogacy agreement that they knowingly and voluntarily entered into the surrogacy agreement and that they are jointly requesting a judgment of parentage.

8. Upon information and belief,

a. no individual has been adjudicated as a parent of this child, either in this court, or any other court, including a Native-American court; (except) [specify]:

b. no individual has signed an Acknowledgment of Parentage admitting parentage of this child, (except) [specify]:

¹ Unless ordered confidential pursuant to Family Court Act § 154-b because disclosure would pose an unreasonable risk to the health or safety of the petitioner. See forms GF-21 and 21a, available at www.nycourts.gov.

² Unless ordered confidential pursuant to Family Court Act § 154-b because disclosure would pose an unreasonable risk to the health or safety of the petitioner. See forms GF-21 and 21a, available at www.nycourts.gov.

9. Upon information and belief, the subject child is is not a Native American child who may be subject to the *Indian Child Welfare Act of 1978* (25 U.S.C. §§ 1901-1963).

10. No previous application has been made to any court or judge for the relief herein requested (except [specify]):

WHEREFORE, I am requesting that this Court issue a judgment and declaration of parentage, an order that the person acting as surrogate is not a legal parent and such other and further relief as may be appropriate under the circumstances.

Petitioner #1

Print or type name

Signature of Attorney, if any

Attorney's Name (Print or Type)

Attorney's Address and Telephone Number

Dated: , .

VERIFICATION

STATE OF NEW YORK)
): ss.:
COUNTY OF)

_____ being duly sworn, says that (s)he is the Petitioner in the above-entitled proceeding and that the foregoing petition is true to (his)(her) own knowledge, except as to matters herein stated to be alleged on information and belief and as to those matters (s)he believes it to be true.

F.C.A. Art. 5-C

Form 5-C-2
(Parentage Order-
Surrogacy Agreement)
(1/2021)

At a term of the Family Court of
the State of New York, held in and
for the County of _____,
at _____ New York
on _____.

.....
In the Matter of a Parentage Proceeding Concerning

[Child's name]:

A child conceived as a result of a Surrogacy Agreement

Petitioner(s)

Family File No.
Docket No.
ORDER OF PARENTAGE -
SURROGACY AGREEMENT

.....
NOTICE: IF YOU WERE NOT IN COURT FOR THE HEARING AND THIS ORDER WAS ISSUED ON DEFAULT, YOU MAY OBJECT OR CHALLENGE THE ORDER BY FILING A MOTION TO VACATE THE ORDER.

IF YOU WERE IN COURT FOR THE HEARING AND THIS ORDER IS ENTERED BY A JUDGE, PURSUANT TO SECTION 1113 OF THE FAMILY COURT ACT, AN APPEAL FROM THIS ORDER MUST BE TAKEN WITHIN 30 DAYS OF RECEIPT OF THE ORDER BY APPELLANT IN COURT, 30 DAYS AFTER SERVICE BY A PARTY OR THE ATTORNEY FOR THE CHILD UPON THE APPELLANT, OR 35 DAYS FROM THE DATE OF MAILING OF THE ORDER TO APPELLANT BY THE CLERK OF COURT, WHICHEVER IS EARLIEST.

IF YOU WERE IN COURT FOR THE HEARING AND THIS ORDER IS ENTERED BY A SUPPORT MAGISTRATE, SPECIFIC WRITTEN OBJECTIONS TO THIS ORDER MAY BE FILED WITH THIS COURT WITHIN 30 DAYS OF THE DATE THE ORDER WAS RECEIVED IN COURT OR BY PERSONAL SERVICE, OR IF THE ORDER WAS RECEIVED BY MAIL, WITHIN 35 DAYS OF THE MAILING OF THE ORDER.

The above-named Petitioner(s) having filed a petition, sworn to on [specify date]:
, _____, alleging that [specify]: _____ is/are the intended
parent(s) of [specify name of child or, if not yet born, expected name if known of child]:

[Applicable to a child already born]: The child, who was born on [specify date]:

is a [check box if known]: male female non-binary/other.

OR

[Applicable where child has not yet been born]: The child, who is expected to be born on or about: [insert due date] ,

The following person [specify name]: has acted is acting as a surrogate for the child.

The intended parent(s) and the person acting as a surrogate having executed a surrogacy agreement on [date]:

The petition was brought by [specify]::

- Intended parent [specify]:
- Intended parent [specify]:
- Other [specify]:

The following additional individuals having been notified and having [specify]:
 appeared not appeared to answer the petition [specify]:

And the following parties [specify]: having
 contested not contested the allegations of the petition; and

The issues having duly come on to be heard before this Court,

NOW, after examination and inquiry into the facts and circumstances of the case and after hearing the proofs and testimony offered in relation thereto, the Court finds and determines the following to be true:

The person acting as surrogate became pregnant in conjunction with a surrogacy agreement;

The residency requirement was satisfied as follows:

The intended parent(s) had been (a) resident(s) of New York State for at least six months at the time that the surrogacy agreement was executed;

OR

At least one of the intended parents had been a resident of New York State for at least six months at the time that the surrogacy agreement was executed and the person acting as surrogate had been a resident of New York State for at least six months at the time that the surrogacy agreement was executed;

A certification was submitted by the attorneys for the intended parents and the person acting as surrogate attesting that the requirements of Part 4 of Article 5-C regarding the surrogacy agreement have been satisfied;

The intended parents and the person acting as surrogate knowingly and voluntarily entered into

the surrogacy agreement;

[Applicable to a child already born]: IT IS, THEREFORE, ORDERED AND ADJUDGED that [specify name(s)]: _____ is/are the legal parent(s) of [child's name]: _____ and the parent(s) shall forthwith assume responsibility for the child's maintenance and support;

OR

[Applicable where child has not yet been born]: IT IS, THEREFORE, ORDERED AND ADJUDGED that upon the child's birth, [specify name(s)]: _____ will be the legal parent(s) of the child who is expected to be born on [due date] _____, and upon the birth of such child, shall immediately assume responsibility for the child's maintenance and support and further that, within seven days of the child's birth, the intended parent(s) shall provide to this Court notification thereof, together with such other facts as may assist in identifying the birth record of the child whose parentage is in issue in this proceeding;

IT IS FURTHER ADJUDGED AND DECLARED that [specify the person acting as surrogate]: _____ is not a legal parent to the child and the spouse, if any, of the person acting as surrogate [specify]: _____ is not a parent to the child;

IT IS FURTHER ORDERED that [specify the person acting as surrogate] _____ and the spouse, if any, of the person acting as surrogate [specify]: _____ shall transfer the child to the intended parent(s) if this has not already occurred;

IT IS FURTHER ORDERED AND ADJUDGED that [specify known donor, if any]: _____ is not a legal parent to the child and the spouse of the known donor, if any [specify]: _____ is not a parent to the child;

IT IS FURTHER ORDERED THAT:

(i) Pursuant to Judiciary Law §254, the Clerk of the Court shall transmit to the State Commissioner of Health, or for a person born in New York City, to the Commissioner Of Health of The City of New York, on a form prescribed by the Commissioner, a written notification of such entry together with such other facts as may assist in identifying the birth record of the person whose parentage was in issue and, if such person whose parentage has been determined is under eighteen years of age, the clerk shall also transmit forthwith to the registry operated by the Department Of Social Services, pursuant to Social Services Law §372-c, a notification of such determination; and

(ii) Pursuant to Public Health Law §4138 and NYC Public Health Code § 207.05, upon receipt of a judgment of parentage, the local registrar where a child is born shall report the parentage of the child to the appropriate department of health in conformity with this Order. If an original birth certificate has already been issued, the appropriate department of health shall amend the birth certificate in an expedited manner and seal the previously issued birth certificate except that it may be rendered accessible to the child at eighteen years of age or to the child's legal

parent or parents.

[Check box if applicable]: IT IS FURTHER ORDERED THAT [specify]:

ENTER

Judge of the Family Court/Support Magistrate

Dated: _____,

Check applicable box:

- Order mailed on [specify date(s) and to whom mailed]: _____
- Order received in court on [specify date(s) and to whom given]: _____

F.C.A. Art. 5-C

Form 5-C-3
(Parentage Petition- Assisted Reproduction)
(1/2021)

FAMILY COURT OF THE STATE OF NEW YORK
COUNTY OF

.....
In the Matter of a Parentage Proceeding Concerning

[Child's name]:

A child conceived as a result of Assisted Reproduction

Family File No.
Docket No.
PARENTAGE PETITION-
ASSISTED REPRODUCTION

Petitioner(s)

.....
TO THE FAMILY COURT:

The undersigned Petitioner respectfully alleges that:

1. [check applicable box(es)]:
 - a. Petitioner #1: I am the [check one]:
 - Gestating or pregnant parent:
 - Other intended parent
 - Gamete or embryo donor
 - Child:
 - Representative of child:
 - Representative of deceased or incapacitated individual:
 - Social services official or government agency
 - Other individual with claim to parentage [specify]:
 - b. [Delete if inapplicable]: Petitioner #2: I am the [check one]:
 - Gestating or pregnant parent:
 - Other intended parent
 - Gamete or embryo donor
 - Child:
 - Representative of child:
 - Representative of deceased or incapacitated individual:
 - Social services official or government agency
 - Other individual with claim to parentage [specify]:

2. The child [specify name or, if not yet born, expected name if known of child]:

a. was born on [specify date]: [check applicable box if known]:
and is a male female non-binary/other. The child resides in [specify county]:

b. is expected to be born on or about [specify date]: . The
child upon birth, is expected to reside in [specify county]:

3. I am We are submitting this petition to request an order declaring the following to be
the legal parent(s) of the child:

Name:	Name:
Date of Birth:	Date of Birth:
Address ¹ :	Address: ²

4. The other intended parent and I both consented to assisted reproduction on the basis of the
following record and/or evidence [See attached consent(s) and check applicable box(es) below]:

In the case of a known gamete or embryo donor,
 a record from the donor, signed by both the donor and the gestating parents, indicating
that the donor has no parental or proprietary interest in the gamete or embryo, is attached hereto;
OR :
 the following constitutes clear and convincing evidence that that the donor has no parental
or proprietary interest in the gamete or embryo [specify evidence]:

In the case of an anonymous embryo or gamete donor or embryo or gamete released to
storage facility or healthcare practitioner,
 statement or documentation from the storage facility or healthcare practitioner that the
embryo or gamete was donated anonymously or previously released to the facility or practitioner is
attached hereto;

OR
 the following constitutes clear and convincing evidence that the donor intended the
donation to be anonymous or previously released the embryo or gamete to a storage facility or
healthcare practitioner [specify evidence]:

5. [Check applicable box]:

¹ Unless ordered confidential pursuant to Family Court Act § 154-b because disclosure would pose an
unreasonable risk to the health or safety of the petitioner. See forms GF-21 and 21a, available at
www.nycourts.gov.

² Unless ordered confidential pursuant to Family Court Act § 154-b because disclosure would pose an
unreasonable risk to the health or safety of the petitioner. See forms GF-21 and 21a, available at
www.nycourts.gov.

a. I OR other gestating intended parent [specify]: _____ gave birth to
[specify name of child]: _____,
a male female child on [specify date]: _____

OR

b. I OR other gestating intended parent [specify]: _____ is now pregnant
with a child who is likely to be born within 90 days of the filing of this Petition.

6. [Check box, if applicable; if not, SKIP to ¶7]: I am requesting an order for genetic testing to determine the parentage of the child.

7. [Check applicable box(es), if any; if not, SKIP to ¶8]:
Petitioner #1: I have have not acknowledged parentage on the Public Health Law form.
Petitioner #2: I have have not acknowledged parentage on the Public Health Law form.
Respondent has has not acknowledged parentage on the Public Health Law form.

8. Upon information and belief, no individual has been adjudicated as a parent of this child, either in this court, or any other court, including a Native-American court; and no individual has signed an Acknowledgment of Parentage admitting parentage for this child, (except) [specify]:

9. Upon information and belief, the subject child is is not a Native American child who may be subject to the Indian Child Welfare Act of 1978 (25 U.S.C. §§ 1901-1963).

10. No previous application has been made to any court or judge for the relief herein requested (except [specify]):

WHEREFORE, I am requesting that this Court issue a judgment and declaration of parentage, an order that the embryo or gamete donor is not a legal parent and such other and further relief as may be appropriate under the circumstances.

Petitioner

Print or type name

Signature of Attorney, if any

Attorney's Name (Print or Type)

Attorney's Address and Telephone Number

Dated: , .

VERIFICATION

STATE OF NEW YORK)
): ss.:
COUNTY OF)

_____ being duly sworn, says that (s)he is the Petitioner in the above-entitled proceeding and that the foregoing petition is true to (his)(her) own knowledge, except as to matters herein stated to be alleged on information and belief and as to those matters (s)he believes it to be true.

Petitioner

Sworn to before me this
day of , .

(Deputy) Clerk of the Court
Notary Public

F.C.A. Art. 5-C

Form 5-C-4
(Parentage Order-
Assisted Reproduction)
(1/2021)

At a term of the Family Court of
the State of New York, held in and
for the County of _____,
at _____ New York
on _____

.....
In the Matter of a Parentage Proceeding Concerning

[Child's name]:

A child conceived as a result of Assisted Reproduction

Petitioner(s)

Family File No.
Docket No.
ORDER OF PARENTAGE -
ASSISTED REPRODUCTION

.....
NOTICE: IF YOU WERE NOT IN COURT FOR THE HEARING AND THIS ORDER WAS ISSUED ON DEFAULT, YOU MAY OBJECT OR CHALLENGE THE ORDER BY FILING A MOTION TO VACATE THE ORDER.

IF YOU WERE IN COURT FOR THE HEARING AND THIS ORDER IS ENTERED BY A JUDGE, PURSUANT TO SECTION 1113 OF THE FAMILY COURT ACT, AN APPEAL FROM THIS ORDER MUST BE TAKEN WITHIN 30 DAYS OF RECEIPT OF THE ORDER BY APPELLANT IN COURT, 30 DAYS AFTER SERVICE BY A PARTY OR THE ATTORNEY FOR THE CHILD UPON THE APPELLANT, OR 35 DAYS FROM THE DATE OF MAILING OF THE ORDER TO APPELLANT BY THE CLERK OF COURT, WHICHEVER IS EARLIEST.

IF YOU WERE IN COURT FOR THE HEARING AND THIS ORDER IS ENTERED BY A SUPPORT MAGISTRATE, SPECIFIC WRITTEN OBJECTIONS TO THIS ORDER MAY BE FILED WITH THIS COURT WITHIN 30 DAYS OF THE DATE THE ORDER WAS RECEIVED IN COURT OR BY PERSONAL SERVICE, OR IF THE ORDER WAS RECEIVED BY MAIL, WITHIN 35 DAYS OF THE MAILING OF THE ORDER.

The above-named Petitioner(s) having filed a petition, sworn to on _____, _____,
alleging that [specify]: _____ is/are the intended parent(s) of _____

[specify name of child or, if not yet born, expected name if known of child]:

[Applicable to a child already born]: who was born on [specify date]:
is a [check box if known]: male female non-binary/other.

OR

[Applicable where child has not yet been born]: who is expected to be born on or about: [insert due date] ; and

The child's conception was accomplished through assisted reproduction; and

The petitioner(s) is/are [specify]:

- Gestating parent:
- Other intended parent
- Gamete or embryo donor
- Child [specify]:
- Representative of child [specify]:
- Representative of deceased or incapacitated individual [specify]:
- Social services official or gov't. agency
- Other individual with claim to parentage [specify]:

The following additional individuals having been notified and having [specify]:

appeared not appeared to answer the petition [specify]:

And the following parties [specify]:

having

contested not contested the allegations of the petition; and

The issues having duly come on to be heard before this Court,

NOW, after examination and inquiry into the facts and circumstances of the case and after hearing the proofs and testimony offered in relation thereto, the Court finds:

- The gestating parent became pregnant as a result of assisted reproduction;
- The residency requirement was satisfied as follows:
 - An intended parent has been a resident of New York for at least six months;
 - The child was will be born in New York within 90 days of filing of the petition;

In the case of a gestating intended parent and a non-gestating intended parent, the Court received a statement from both intended parents that the non-gestating intended parent consented to assisted reproduction;

[Applicable to a known gamete or embryo donor]:

the Court received a record signed by both the donor and the gestating parent(s), indicating that the donor has no parental or proprietary interest in the gamete or embryo;

OR

the Court found by clear and convincing evidence that that the donor has no parental or proprietary interest in the gamete or embryo;

[Applicable to an anonymous embryo or gamete donor or embryo or gamete released to a storage facility or healthcare practitioner]:

the Court received a statement or documentation from the storage facility or healthcare practitioner that the embryo or gamete was donated anonymously or previously released to the facility or practitioner;

OR

the Court found by clear and convincing evidence that the donor intended the donation to be anonymous or previously released the embryo or gamete to a storage facility or healthcare practitioner;

[Applicable to a child already born]: IT IS, THEREFORE, ORDERED AND ADJUDGED that [parent's name] is the legal parent of [child's name]:
, a child born on [date of birth]: , and the parent(s) shall forthwith assume responsibility for the child's maintenance and support;

OR

[Applicable where child has not yet been born]: IT IS, THEREFORE, ADJUDGED AND DECLARED that upon the child's birth, [parent's name] will be the legal parent of the child who is expected to be born on [due date] , and upon the birth of such child, shall immediately assume responsibility for the child's maintenance and support and further that, within seven days of the child's birth, the intended parent(s) shall provide to this Court notification thereof, together with such other facts as may assist in identifying the birth record of the child whose parentage is in issue in this proceeding;;

[Applicable where there was a known donor]: AND IT IS FURTHER ORDERED AND ADJUDGED that [specify known donor]: is not a parent of the child.

IT IS FURTHER ORDERED THAT:

(i) Pursuant to Judiciary Law §254, the Clerk of the Court shall transmit to the State Commissioner Of Health, or for a person born in New York City, to the Commissioner Of Health Of The City of New York, on a form prescribed by the Commissioner, a written notification of such entry together with such other facts as may assist in identifying the birth record of the person whose parentage was in issue and, if such person whose parentage has been determined is under eighteen years of age, the clerk shall also transmit forthwith to the registry operated by the Department Of Social Services, pursuant to Social Services Law §372-c, a notification of such determination; and

(ii) Pursuant to Public Health Law §4138 and NYC Public Health Code § 207.05, upon receipt of a judgment of parentage, the local registrar where a child is born shall report the parentage of the child to the appropriate department of health in conformity with this Order. If an original

birth certificate has already been issued, the appropriate department of health shall amend the birth certificate in an expedited manner and seal the previously issued birth certificate except that it may be rendered accessible to the child at eighteen years of age or to the child's legal parent or parents.

[Check box if applicable]: IT IS FURTHER ORDERED THAT [specify]:

ENTER

Judge of the Family Court/Support Magistrate

Dated: _____,

Check applicable box:

Order mailed on [specify date(s) and to whom mailed]: _____

Order received in court on [specify date(s) and to whom given]: _____

F.C.A. Art. 5-C

Parentage Form 5-C-5
Summons – Assisted
Reproduction or Surrogacy)
(1/2021)

FAMILY COURT OF THE STATE OF NEW YORK
COUNTY OF

.....
In the Matter of a Parentage Proceeding Concerning

[Child’s name]:

Family File No.
Docket No.

A child conceived as a result of

Surrogacy Agreement Assisted Reproduction

SUMMONS - PARENTAGE

Petitioner(s)

.....

NOTICE: YOUR FAILURE TO APPEAR SHALL RESULT IN AN ENTRY OF AN ORDER OF PARENTAGE ON DEFAULT UPON PROOF THAT YOU RECEIVED ACTUAL NOTICE OF THE COMMENCEMENT OF THIS PROCEEDING.¹

IN THE NAME OF THE PEOPLE OF THE STATE OF NEW YORK TO

_____, who resides or is found at:

(A Petition)(Petitions) under Article 5-C of the Family Court Act having been filed with this Court and annexed hereto

YOU ARE HEREBY SUMMONED to appear before this court at _____

_____, New York, on _____, _____,

at _____ o'clock in the _____ noon of that day to show cause why the declaration of parentage, judgment of parentage and other and further relief requested in the petition should not be made.

Dated: _____, _____.

Clerk of the Court