



## Question and Answers from the Child Parent Security Act (CPSA)

### Surrogacy Agreements

Q. Will the hospitals get the surrogacy agreements?

A. Yes.

Q. Will the hospitals need to send the surrogacy agreements to the local registrars?

A. Yes.

Q. Should the local registrar place the parent's names from the surrogacy agreements onto the original birth certificates?

A. No.

Q. For surrogacy arrangements, does the original birth certificate have the original birth mother on it and then get amended to have the non-birth mother's name on it (to replace the original birth mother)?

A. Yes. *The original birth certificate must have the original birth mother's name on it and will then be amended in accordance with the surrogacy agreement.*

Q. Will this apply with home births (that are filled out with the local registrars)?

A. *If a local registrar receives a surrogacy agreement associated with a home birth, the person who gave birth to the child will be placed on the original birth certificate, then the local registrar will file and seal the original birth certificate. The local registrar will not issue the original birth certificate. The original birth certificate and surrogacy agreement must be forwarded to the Bureau of Vital Records: Coding Unit. The Coding Unit will process the original birth certificate and forward to the Amendment Unit to be amended in accordance with the surrogacy agreement. The Amendment Unit will issue a certified copy of the amended birth certificate to the intended parents.*<sup>1</sup>

Q. Do local registrars assign a registration number to an original birth certificate that has a surrogacy agreement attached to it?

A. *The process to assign a registration number does not change. The local registrar must file the certificate with a registration number. For birth certificates that are associated with a surrogacy agreement, do not give the original birth certificate to the birth mother. Send the surrogacy*

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<sup>1</sup> Note: This information is new since the Training Session. After internal discussion, it was agreed that the Local Registrars should send to one location in the Bureau and the Bureau would ensure that the documents be processed accurately within the Bureau.



*agreement to the Bureau of Vital Records: Amendments Unit. The Amendment Unit will amend the original birth certificate in accordance with the surrogacy agreement and will issue a certified copy to the intended parents.*

Q. For the surrogacy agreement, do local registrars send that along with the birth certificate to the Department?

*A. If the local registrar receives the surrogacy agreement along with the birth certificate from the hospital, please send a copy of the birth certificate and the original surrogacy agreement to the Bureau of Vital Records: Amendments Unit. Please do not issue the original birth certificate to the birth mother.*

Q. If the non-birth mother comes in to request a copy prior to amendment, should the local registrar refer them to the State?

*A. Yes.*

Q. How were surrogacy arrangements handled prior to the passage of this law?

*A. There was no legal parameter around surrogacy activities prior to the CPSA. Surrogacy Agreements were explicitly prohibited by law, even though surrogacy was still occurring in New York State. This law codifies the rights of both intended parents and surrogates to protect against abuses on either side. If a surrogacy occurred beforehand, adoptions were usually involved.*

Q. Should local registrars keep a copy of the surrogacy agreement for their records or just send the documentation to the Bureau of Vital Records?

*A. The Department's preference is that the original surrogacy agreements be sent to the Bureau of Vital Records.*

Q. When there is a surrogacy agreement, should the original birth certificate be sealed immediately.

*A. Yes. Once the Bureau of Vital Records: Amendment Unit amends the record, a copy of the amended record will be sent to the local registrar and to the intended parents. That process will remain the same for any amendment the Bureau of Vital Records: Amendment Unit makes to a birth certificate.*

Q. Does the local registrar need to note in their system if a surrogacy agreement was submitted from the hospital?



*A. Since the Bureau of Vital Records: Amendment Unit will be issuing the amended birth certificate, the Bureau is not requiring that the local registrars keep a note in their systems. If, local registrars wish to do so for their own record-keeping purposes, they may.*

Q. Will the local registrar ever be required to issue a copy of the surrogacy agreement to any parent the same way local registrars issue copies of an AoP to a parent?

*A. The local registrars should never be required to issue a copy of a surrogacy agreement to a parent because the surrogacy agreements should be available by way of the surrogacy program where the agreement was handled.*

Q. Do local registrars send the original surrogacy agreement and the original birth certificate to the same address as we send any other birth certificate when filing with New York State?

*A. Yes.*

Q. Would local registrars be issuing AoP's if there is a surrogacy agreement?

*A. No. If there is a surrogacy agreement in place, AoPs should not be used at all. The surrogacy agreement is the foundational document which will be used to amend the birth certificate.*

## Orders of Parentage

Q. Will this apply with home births (that are filled out with the local registrars)?

*A. If a local registrar receives an order of parentage associated with a home birth, the person who gave birth to the child will be placed on the original birth certificate, then the local registrar will file and seal the original birth certificate. The local registrar will not issue the original birth certificate. The original birth certificate and order of parentage must be forwarded to the Bureau of Vital Records: Coding Unit. The Coding Unit will process the original birth certificate and forward to the Amendment Unit to be amended in accordance with the order of parentage and the Amendment Unit will issue a certified copy to the intended parents.<sup>2</sup>*

## Acknowledgment of Parentage (AoP)

Q. The registrars receive birth certificates from the hospitals, so if a person says they are the parent of a child, will they use this AoP form to change the parent on the birth certificate?

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<sup>2</sup> Note: This information is new since the Training Session. After internal discussion, it was agreed that the Local Registrars should send to one location in the Bureau and the Bureau would ensure that the documents be processed accurately within the Bureau.



*A. If a person says they are the parent of the child and would like to use an AoP, they must be the secondary non-birth parent in order to be added with the AoP form. The birth parent has to sign the document. If the non-birth parent claims they are replacing the birth parent, then the AoP cannot be used because the AoP must be signed by the birth parent and the secondary non-birth parent and it cannot be used to replace the birth parent.*

Q. Can a new AoP form be used for children before February 15, 2021 to add father and/or intended parent.

*A. The AoP form cannot be used before February 15, 2021 if it is meant to include an intended parent on the birth certificate who is only authorized to be on the birth certificate pursuant to the CPSA. If the new AoP form is used for a birth parent before February 15, 2021, but is filed by an unmarried woman with the intention of adding the genetic father to the birth certificate (which was the law prior to the effective date of the CPSA), then it may be accepted.*

Q. Will this apply with home births (that are filled out with the local registrars)?

*A. The process to use the new AoP is exactly the same as the process for the old AoP.*

Q. A local registrar received a phone call from a hospital asking when to use the new AoP forms. The hospital was asked if they had been through the training and they replied yes. If the State informed hospitals to use the new AoP forms, what happens if the hospitals use the form earlier than February 15, 2021.

*A. Some hospitals may already have received their pre-ordered forms prior to February 15, 2021 and would like to use them. While the Department is asking that everyone start to use the new AoP forms starting February 15, 2021, the Department understands that mistakes happen. The AoP form cannot be used before February 15, 2021 if it is meant to include an intended parent on the birth certificate who is only authorized to be on the birth certificate pursuant to the CPSA. If the new AoP form is used for a birth before February 15, 2021, but it is filed by an unmarried woman with the intention of adding the genetic father to the birth certificate (which was the law prior to the effective date of the CPSA), then it may be accepted.*

Q. Will the local registrars still need to make copies of the AoP for court hearings as has been done in the past for the old Acknowledgment of Paternity? (i.e., request for copies from the courts).

*A. Yes. The process for issuing copies of the new AoP for court hearings will be the same as it was for past AoPs.*

Q. Should the hospital know when to submit the AoP to the local registrars?



*A. If the AoP is filled out and signed at the hospitals, the hospitals have been trained to know when an AoP is appropriate and when to send to the local registrars.*

## AoP Forms (LDSS-5171) Questions

Q. Should local registrars use the new form as soon as possible?

*A. The new Acknowledgement of Parentage form should be used starting February 15, 2021.*

Q. A local registrar ordered the new AoP forms in English and Spanish. The local registrar only received the forms in English. Will the forms be available on the website for download?

*A. The new AoP forms will be available on the Department of Health Bureau of Vital Record's website in English in a fillable PDF, no later than February 15, 2021. The new AoP form will be available on the Office of Temporary Disability Assistance (OTDA) website in Spanish, Korean, Russian, Bengali, Arabic and Haitian Creole.*

Q. If people submit the old AoP forms to our office after February 15, 2021, does the local registrar accept them or does the local registrar reject them?

*A. The Department understands that the old AoP may be used after February 15, 2021. Local Registrars may continue to receive the old AoPs for a grace period. If there are any questions whether the time period that has lapsed between the law going into effect and acceptance of an old AoP is acceptable, please contact the Bureau of Vital Records.*

Q. How do local registrars get the new forms?

*A. The form is printable from the Bureau of Vital Records website. If the local registrar needs to get the forms in bulk, the attached order [OTDA Order Form](#) should be used.*

### **Required Actions**

*Orders must be placed for the English and Spanish versions of the LDSS-5171. The local registrars must submit their completed order form (OTDA-876, attached) via email to [forms.orders@otda.ny.gov](mailto:forms.orders@otda.ny.gov).*

*Listed below is important information for submitting the order:*

- The subject line of the order e-mail should read "Order for LDSS-5171".*
- Use form number LDSS-5171 for English and LDSS-5171 SP for Spanish.*
- There are 1,000 forms per box; all order quantities must be in increments of 250 (e.g., 250, 500, 750, 1000, 1250).*



- *Any orders received in a quantity other than described above will be changed prior to processing to reflect an appropriate increment.*
- *The delivery address must direct the forms to a physical address; the Bureau of Management Services cannot ship to P.O. boxes.*
- *All requested information must be complete on the OTDA-876.*

Q. Will forms be available in English and Spanish?

*A. Yes. An English version will be available on the Bureau of Vital Record and on the Office of Temporary Disability Assistance (OTDA) website. The new AoP form will be available in Spanish, Korean, Russian, Bengali, Arabic and Haitian Creole on the OTDA website.*

Q. Will the forms in Spanish be available soon?

*A. The new AoP form will be available on the Office of Temporary Disability Assistance (OTDA) website in Spanish, Korean, Russian, Bengali, Arabic and Haitian Creole starting February 15, 2021.*

Q. After February 15, 2021, the AOP LDSS-4418 is no longer to be used?

*A. Yes. The LDSS-4418 (Acknowledgment of Paternity) will be replaced by the LDSS-5171 (Acknowledgment of Parentage).*

## Training Materials

Q. Will the slides be available?

*A. The slides are available on this website under Local Registrars.*

Q. Have the hospitals been notified of all of this?

*A. Yes. There was a series of training sessions held for hospitals and regional perinatal centers in conjunction with OTDA on the CPSA and all the associated documentation in this training.*

Q. When will the slides and video recording will be available for re-watch?

*A. All training materials on the CPSA will be available on the Department of Health Bureau of Vital Record's website no later than February 15, 2021.*

## Miscellaneous

Q. What will the turnaround time be for the initial amended birth certificate?

*A. The Bureau of Vital Records: Amendment Unit is working to ensure that the amended birth certificates associated with surrogacy agreement will be expedited.*



Q. Will the children, at some point, be able to request the sealed record?

*A. The children are not entitled to their sealed record by request. They may petition a court to direct the Department to unseal the record and provide the child with a copy of their sealed record, however, there is no provision in the law that explicitly authorizes them to do so.*

Q. Who/Where can local registrars refer the parents to when they call pressing local registrars on certified copies of birth certificates for the child for health insurance purposes or emergency travel?

*A. Please refer them to email the Bureau of Vital Records: Amendments Unit at our email: [vr@health.ny.gov](mailto:vr@health.ny.gov)*

Q. If the local registrar receives an amended certificate at the local level, and now there are same-sex parents, how does the local registrar issue an accurate transcript of birth when the transcript forms read mother/father, not parent/parent? When will new transcript forms be available for order?

*A. The Bureau of Vital Records is working on new labeling for transcript forms and will let the local registrars know when they are available for use.*

Q. Will the Putative Father Registry still need to be sent a copy of the new AoP?

*A. Yes. Nothing in that process should change.*

Q. When the local registrars receive an original birth certificate with a surrogacy agreement or order of parentage – is a copy sent to the Bureau of Vital Record's Coding Unit AND Amendment unit and seal the record at the local level?

*A. No. The Coding Unit should receive the original birth certificate and the original surrogacy agreement or order of parentage. The record should be sealed at the local level. The Coding Unit will process the original birth certificate and forward to the Amendment Unit to be amended in accordance with the surrogacy agreement. The Amendment Unit will issue a certified copy of the amended birth certificate to the intended parents.<sup>3</sup>*

Q. Should a notation be made in the notes for the local registrar with the reason why the original birth certificate is sealed?

*A. The Department is not requiring local registrars to make a notation in their files to explain why they are sealed. If the local registrar would like to do so to have a more complete record for themselves, the Department would be deferential.*

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<sup>3</sup> *The Coding Unit will process the original birth certificate and forward to the Amendment Unit to be amended in accordance with the surrogacy agreement. The Amendment Unit will issue a certified copy of the amended birth certificate to the intended parents.*