

SPONSORS MEMO:

**NEW YORK STATE ASSEMBLY
MEMORANDUM IN SUPPORT OF LEGISLATION
submitted in accordance with Assembly Rule III, Sec 1(e)**

BILL NUMBER: N/A

SPONSOR: Oaks

TITLE OF BILL: "You're a Parent Notification Act." An act to amend the domestic relations law, to require notification of both biological parents when a birth occurs.

PURPOSE: To ensure that when a birth occurs both parents are notified of the event

SUMMARY OF PROVISIONS: The bill acknowledges that regardless of marital status both parents should be notified upon the birth of a child. Considered 'obvious' for the mother of a child; as bio-technology progresses, this bill would also insure notification if an 'egg' was brought to term by artificial means.

The bill specifies that it is the duty of a parent to notify the other parent upon the birth of a child. This notification shall occur within 30 days of the event. The State will maintain a registry of notifications. Health professionals assisting at a birth will assist in making sure notification is completed. The scope of this Act is limited to just birth notification. Once notified of the birth the parent has recourse to existing law.

Exceptions to notification are recognized in cases of rape or incest or voluntary waiver of the right to notification. If there is a history of domestic violent or other problems between the parents, notification must still occur, but either parent still has recourse to an Order of Protection as existing law provides.

Notification is documented by a witnessed & signed document from each parent. It will include the name of the child, date of birth, their name and address and the name and address of the other parent. Delivery by process server is sufficient if a parent refuses to complete the notification.

The cost of notification will be shared equally between the parents.

EXISTING LAW: Currently, there is no law to ensure notification of a birth occurs.

JUSTIFICATION: A child has two parents. No one should be a parent without his or her knowledge. We each have a basic Human Right to have knowledge of the birth of our child. This is regardless of marital status or the duration or success of a relationship. Notification gives each parent the information they need to take responsibility for the nurturing and support of their child.

FISCAL IMPLICATION: Should reduce Court litigation now generated by late notifications, late support orders when a birth occurs, and complicated by distance between the parents after years have elapsed.

LOCAL FISCAL IMPLICATION: None.

EFFECTIVE DATE: This act shall take effect 18 months from the date it shall have become a law. This will allow sufficient time for its provisions to become common knowledge and potential parents to consider responsible changes in their behavior.

You're a Parent Notification Act

5/11/06, rev C

Background:

This Act is founded on the natural law that any child has TWO parents and that preparation for being a successful parent certainly begins by birth.

- Every child has TWO biological parents.
- Society should recognize both parents have the same fundamental rights & responsibilities regarding the birth of their child regardless of marital status or the length or success of their relationship.
- No one should be a parent without their knowledge.

While perhaps considered 'obvious' for the mother of a child; as bio-technology progresses, the Act would also insure notification if an 'egg' was brought to term by artificial means.

Description:

It shall be the duty of a parent to notify the other parent upon the birth of a child. This notification shall occur within 30 days of the event. The State will maintain a registry of notifications. If the birth event is witnessed by medical or other health professionals they will assist in making sure notification is completed.

The State will maintain a registry of notifications for both parents and assist, if necessary, in notifying the parent.

The scope of this Act is limited to just birth notification. Once notified of the birth the parent has recourse to existing law.

Exceptions:

Notification need not occur in the designated period if criminal charges for rape or incest are pending against the other parent. If the person is found guilty, notification is not required.

Notification need not occur if the parent has waived that right through prior legal document and in sufficient detail to guarantee applicability to the birth in question beyond a reasonable doubt.

If there is a history of domestic violent or other problems between the parents, notification must still occur, but either parent still has recourse to an Order of Protection as existing law provides

Definition of Notification:

Notification is documented by a witnessed & signed document from each parent. It will include the name of the child, date of birth, their name and address and the name and address of the other parent.

The cost of notification will be shared equally between the parents.

Procedures:

If a parent can not be located

- Legal postings will be made in regional newspapers.

If one parent refused to identify the other parent

- Criminal proceeding begins, police investigation to identify/find the other parent.

If one parent refuses to acknowledge notification

- Use of third party process server. Cost to be shared by both parents.
- A Parent can require DNA Analysis.