

Appeal Oral Argument Scheduled in Widely Watched New York Divorce IVF Embryo Case

NEW YORK, NY, UNITED STATES, June 1, 2026 /EINPresswire.com/ -- Oral argument in the appeal arising from the widely publicized frozen embryo dispute involving Erin Millender is scheduled to be heard before a New York Appeals Court on Tuesday, June 2, 2026 at 10am

“

There were moments where it felt like every part of my life was collapsing at once. I was terrified that I was losing my final chance to become a mother.”

Erin Millender

The Appeal follows a New York Supreme Court decision awarding Ms. Millender possession and use of embryos created during the parties' marriage and presents significant legal questions concerning IVF agreements, embryo disposition, reproductive autonomy, and assisted reproductive technology.

The matter recently received national attention through a [New York Times feature](#) examining the case and the broader legal issues surrounding frozen embryos and

divorce.

The public may attend the proceedings in person or watch live on the Court's website. Millender-Rubin V. Rubin, 2026-00102, 2nd Dept., Gildin and Chapman

EVENT INFORMATION

Oral Argument in Millender Embryo Disposition Appeal - Help
2026-00102

Tuesday, June 2, 2026, 10:00am

Appeals Court

45 Monroe Street

Brooklyn, New York 11201

Attorney Brent Chapman, appellate counsel for Ms. Millender, will present oral argument on her behalf.

Livestream :

<https://www.nycourts.gov/courts/ad2/>

Media Contact:

Steven Gildin, Esq.
(516) 524-5657
steven@nys-lawyer.com

The appeal arises from a dispute concerning frozen embryos created during the parties' marriage through in vitro fertilization. Before meeting her former husband, Erin Millender had considered pursuing pregnancy using donor sperm, but postponed those plans after entering what she describes as a cherished relationship with a partner who repeatedly assured her that he also wanted children.

Like many couples undergoing IVF treatment, the parties signed a fertility-clinic contract addressing embryo disposition in the event of divorce. According to Millender, however, the clinic's form did not require the parties to identify which spouse would retain the embryos if the marriage ended. She says she never imagined that embryos created while the parties were trying to have a child together would later become the subject of courtroom litigation.

After a miscarriage and the eventual breakdown of the marriage, a dispute arose concerning whether Millender would be permitted to use the remaining embryos. Millender says the stakes were especially high because she could not simply start over, and that the embryos at issue represented what doctors advised was her final realistic opportunity to have a biological child.

"What people see now is the legal case," Millender said. "What they do not fully see are the years of physical pain, emotional exhaustion, fear, promises made and broken, and financial devastation that happened while I was fighting for the chance to become a mother."

While undergoing fertility treatment, Millender was also caring for her father during the final stages of Parkinson's disease, navigating the collapse of her marriage, relocating from the home she had lived in for nearly two decades, and struggling under mounting medical, housing, and legal expenses.

"There were moments where it felt like every part of my life was collapsing at once," Millender said. "I was grieving, exhausted, terrified that I was losing my final chance to become a mother, and still trying to function every day."

A New York Supreme Court judge ultimately awarded Millender possession and use of the embryos. Following that ruling, she proceeded with embryo transfer treatment and is currently pregnant.

Millender and her attorneys have also emphasized that the case is not about forcing her former husband into legal parenthood or child-support obligations. Rather, they say, the appeal presents broader questions concerning IVF agreements, embryo disposition, reproductive

autonomy, and how courts should address fertility-clinic forms that do not provide a clear answer when a marriage ends.

"This case is not about forcing someone into fatherhood," said Steven Gildin, attorney for Erin Millender. "The appeal presents important questions about IVF contracts, reproductive autonomy, and how courts should resolve disputes when fertility-clinic agreements do not provide a clear answer."

The case has drawn national attention because it sits at the intersection of reproductive technology, contract law, family law, and evolving questions concerning parenthood and reproductive autonomy. As more people rely on IVF later in life, courts are increasingly being asked to resolve deeply personal disputes involving embryos created long before anyone anticipates divorce, litigation, or appellate review.

New York Times Feature:

<https://www.nytimes.com/2026/05/24/us/ivf-embryos-custody.html>

GoFundMe Campaign:

<https://www.gofundme.com/f/help-me-bring-my-child-home-xd68f>

Steven Gildin

Gildin and Chapman

+1 516-524-5657

[email us here](#)

This press release can be viewed online at: <https://www.einpresswire.com/article/916552123>

EIN Presswire's priority is source transparency. We do not allow opaque clients, and our editors try to be careful about weeding out false and misleading content. As a user, if you see something we have missed, please do bring it to our attention. Your help is welcome. EIN Presswire, Everyone's Internet News Presswire™, tries to define some of the boundaries that are reasonable in today's world. Please see our Editorial Guidelines for more information.

© 1995-2026 Newsmatics Inc. All Right Reserved.