

CONSIDERING SURROGACY?

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The option of surrogacy for childless couples has increasingly been in the media spotlight. So what is it all about exactly? A surrogate mother is someone who bears a child for another person with the intention of that person being the parent, not the surrogate mother. Whilst surrogacy is potentially an opportunity for couples who are unable to conceive children naturally, there are legal considerations which should be taken into account. The new *Surrogacy Act 2008* came into operation on 1 March 2009 to regulate surrogacy in WA. What it means is that new parents will need to apply to the Family Court of WA for a parentage order in relation to the child born through a surrogacy arrangement. A parentage order is an order which transfers the parentage from its surrogate birth parent/s to the child's arranged parents. After the commencement of the *Surrogacy Act 2008*, any person wishing to enter into a surrogacy arrangement must comply with the procedures set out in the Act.

There are several factors which the Court will consider in deciding whether or not to grant a parentage order. In addition, when you make an application for a parentage order, one of the documents to be filed is called an Approved Plan, to be signed by the arranged parents and the birth parents. The Approved Plan sets out any time the child will spend with the birth parents, and any information that any of the parties is to provide such as photographs of the child for example. There are some circumstances when the Court will decide that an Approved Plan is not necessary.

This is general information only and does not constitute specific legal advice. If you would like further information in relation to this matter or other legal matters, please contact our office at reception@hhg.com.au.

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