

Registration of Surrogate Births

Overview In cases of surrogate pregnancies, all information on the birth certificate should be factual information based on the gestational (birth) parent, unless otherwise specified in a court order. However, the birth parent’s address (Items 24A-24E) must always contain the address of the gestational (birth) parent.

Definitions Surrogate is the person who gestates for another.

Genetic mother is the person who produces an egg that results in an embryo.

Gestational (birth) parent is the person who gestates an embryo throughout the pregnancy.

Intended parent(s) are the person(s) named in a court order, as the parent(s) of the child.

AVSS Users Please add “Surrogate Birth” to the comments section in AVSS.

The comments section may be accessed by editing the record after the file is recorded. If you have any questions regarding this procedure, please contact AVSS.

What to do if... The table below provides additional instructions for completing the birth certificate when the birth involves a surrogate pregnancy.

If...	Then...
the pregnancy involves a surrogate parent (including surrogates that are the gestational parent only and surrogates that are both the gestational and genetic parent) C	based upon a certified order from a Superior Court, the names of the “intended” parent(s) may be listed on the original birth certificate (Items 6A-11). The personal information for the genetic parents should be listed in Items 18-23C. However, if either parent makes an objection, these items may be withheld (Health and Safety Code Section 102425(c)). The birth parent’s residence address field may not be left blank and must include the gestational parent’s address (Items 24A-24E). The Medical Data Section on the birth certificate must contain information based on the gestational parent only (Items 25A-31).
a gestational (birth) parent has a baby and the biological parents do not have a court order	the hospital should wait approximately 7 or 8 days after the birth to receive the court order. If after that time the court order has not been submitted, the hospital should prepare the birth certificate with the gestational (birth) parent’s information. The birth certificate must be registered within 10 days according to the law (Health and Safety Code Section 102400).

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<p>a Superior Court Order stipulates two persons to be listed as parents on the birth certificate</p>	<p>the “intended” parents may be listed on the birth certificate based upon a certified Superior Court Order. One person may be listed as the parent in Items 6A-6C and one person may be listed as the parent in Items 9A-9C. The personal information for the genetic parents should be listed in Items 18-23C. However, if either parent makes an objection, these items may be withheld (Health and Safety Code 102425(c). The birth parent’s residence address field may not be left blank and must include the gestational parent’s address (Items 24A-24E). The Medical Data Section on the birth certificate must contain information based on the gestational parent only (Items 25A-31).</p>
<p>this is a surrogate pregnancy for a single parent adoption</p>	<p>follow the previous instructions. The “intended” single parent may only be listed on the birth certificate in Items 9A-9C. Item 9C may not be left blank. The personal information for the genetic parents is to be listed in Items 18-23C. However, if the parent makes an objection, these items may be withheld (Health and Safety Code 102425(c). The birth parent’s residence address may not be left blank and must include the gestational parent’s address (Items 24A-24E). The Medical Data Section on the birth certificate must contain information on the gestational parent only (Items 25A-31).</p>

REFERENCE: Health and Safety Code Section 102425(c)

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NOTE:

Current law does not authorize hospitals and local registrars to omit the name of the person giving birth in Items 9A-9C, birth parent's address in Items 24A-24E, or to alter the birth certificate form. Certified court orders requesting that the person giving birth's information be omitted or the birth certificate form be altered, are no longer required to be forwarded to CDPH-VR with the birth certificate.

REFERENCE: Health and Safety Code Section 102725
