

Amy Nuttall:

Once you get your gestational contract done, hopefully a pregnancy develops and then you're ready to start your pre-birth order. The pre-birth order in North Carolina is actually a petition for parentage. People say, "Well, wait a minute. My name's going to be on the birth certificate. Doesn't that make me the legal parent?" It does not. The petition for parentage is what we file with the court. It's basically a consent order. We say to the court, "Gestational carrier and her spouse entered into an agreement. They knew this wasn't their child. They're not even genetically related. Most times there isn't any genetic connection and we don't want this child. These people, the intended parents are in fact the parents." What that tells to the court is then they're the legal parents. There doesn't need to be an adoption. There doesn't need to be any other legal process.

More importantly, where that goes is to the hospital because then the hospital says, "Oh, all right, the woman giving birth then isn't the mother. Who's going to make the decisions when the child is born?" If there's a medical emergency during birth, it's the intended parents because the court order, and it's quite lengthy, has those details of, "Hospital, these intended parents make decisions now. These intended parents decide how the child is treated. They are the parents, they wear the ID bands as parents." It's a great process and it's so important to our intended parents that they are the parents from day one. You want your pre-birth order or your pre-parentage petition if you can get it.

There are cases where birth comes early, or people come to us later in the process and now that's going to be a post-birth order, which does the same thing, but what it says is that, "We've already had the baby, but surrogate and her spouse still agree, not their child, and it's our child." Then they are the legal parents of that child.