

LEGISLATURE OF NEBRASKA  
ONE HUNDREDTH LEGISLATURE  
FIRST SESSION  
**LEGISLATIVE BILL 599**

Introduced by Aguilar, 35

Read first time January 17, 2007

Committee: Judiciary

A BILL

1 FOR AN ACT relating to infants and juveniles; to permit the  
2 establishment of a parent and child relationship by  
3 consent of the parties in the event of gestational  
4 surrogacy; to authorize procedures; and to create a  
5 presumption.

6 Be it enacted by the people of the State of Nebraska,

1           Section 1. (1) A parent and child relationship may be  
2 established voluntarily in the event of gestational surrogacy  
3 by the signing and witnessing of a voluntary acknowledgement of  
4 parentage pursuant to this section and may be recorded accordingly  
5 on the child's birth certificate.

6           (2) A parent and child relationship may be established  
7 in the event of gestational surrogacy if all of the following  
8 conditions are met prior to the birth of the child:

9           (a) The gestational surrogate certifies that she is not  
10 the biological mother of the child and that she is carrying the  
11 child for the intended parents;

12           (b) The husband, if any, of the gestational surrogate  
13 certifies that he is not the biological father of the child;

14           (c) The intended mother certifies that she provided, or  
15 an egg donor donated, the egg from which the child being carried by  
16 the gestational surrogate was conceived;

17           (d) The intended father certifies that he provided, or a  
18 sperm donor donated, the sperm from which the child being carried  
19 by the gestational surrogate was conceived;

20           (e) A physician licensed to practice in the State of  
21 Nebraska certifies that the child being carried by the gestational  
22 surrogate is the biological child of the intended mother or the  
23 intended father or both and that neither the gestational surrogate  
24 nor the gestational surrogate's husband, if any, is a biological  
25 parent of the child being carried by the gestational surrogate; and

1           (f) Certifications are on forms prescribed by the  
2 Department of Health and Human Services Finance and Support  
3 and shall be an affidavit executed by each party, notarized,  
4 delivered to the department, and placed in the medical records of  
5 the gestational surrogate prior to the birth of the child. The  
6 voluntary acknowledgement of parentage forms shall be available for  
7 inspection only upon order of a court of competent jurisdiction.

8           (3) If all requirements of subsection (2) of this section  
9 are not met prior to the birth of the child, the child shall  
10 be presumed to be the child of the gestational surrogate and  
11 of the gestational surrogate's husband, if any, unless otherwise  
12 determined by order of the district court. The identification of  
13 the father may be established pursuant to section 71-640.01. The  
14 district court may order the gestational surrogate, gestational  
15 surrogate's husband, intended mother, intended father, and child  
16 to submit to such medical examinations and testing as the court  
17 deems appropriate. The record of the court shall be sealed and made  
18 available for inspection only upon order of a court of competent  
19 jurisdiction.

20           (4) For purposes of this section:

21           (a) Donor means an individual who contributes a gamete or  
22 gametes for the purpose of in vitro fertilization or implantation  
23 in another;

24           (b) Gamete means either a sperm or an egg;

25           (c) Gestational surrogacy means the process by which a

1 woman attempts to carry and give birth to a child created through  
2 in vitro fertilization using the gamete or gametes of at least one  
3 of the intended parents and to which the gestational surrogate has  
4 made no genetic contribution;

5 (d) Gestational surrogate means a woman who agrees to  
6 engage in gestational surrogacy;

7 (e) Intended parent means a person who enters into an  
8 arrangement with a gestational surrogate pursuant to which he or  
9 she intends to be the legal parent of the resulting child. In  
10 the case of a married couple, any reference to an intended parent  
11 shall include both husband and wife for purposes of this section.  
12 Intended parent includes the intended mother, intended father, or  
13 both; and

14 (f) In vitro fertilization means all medical and  
15 laboratory procedures that are necessary to effectuate the  
16 extracorporeal fertilization of egg and sperm.