



Hundredth Legislature - First Session - 2007
Introducer's Statement of Intent
LB 599

Chairperson: Brad Ashford
Committee: Judiciary
Date of Hearing: March 7, 2007

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

LB 599 permits the establishment of a parent and child relationship by consent of the parties in the event of gestational surrogacy.

Under current Nebraska law, even though there is no definition of mother, it has been the practice to determine that the woman delivering the child is the mother, which can be inferred from the current statutes. The presumption would follow that the delivering woman's husband is the father of the child. The paternity issue can be resolved administratively by which either a court order is obtained or a three-way paternity is completed. However, there is no administrative process to allow for maternity to be established by someone other than the delivering woman. This bill will provide a mechanism by which biological parents of a child carried by a gestational surrogate could establish maternity and paternity.

Specifically, LB 599 allows a parent and child relationship to be established voluntarily in the event of gestational surrogacy by the signing and witnessing of a voluntary acknowledgement of parentage and may be recorded accordingly on the child's birth certificate. Conditions for this parent and child relationship include the gestational surrogate certifies that she is not the biological mother and that she is carrying the child for the intended parents, the husband of the surrogate certifies that he is not the biological father and the intended mother certifies that she provided, or an egg donor donated, the egg from which the child being carried by the surrogate was conceived.

As a public policy issue, this bill will allow biological parents to be listed on their child's birth certificate without having to adopt their biological child from the gestational surrogate.

Principal Introducer:

Senator Ray Aguilar