

Intended parents	The two (2) persons to whom the custody of any child to whom the surrogacy agreement relates to, or is to be surrendered.
Family's Relationship Act 1975	South Australian Legislation that provides an understanding of the range relationships between parent(s) and child.
Mother or surrogate mother	In respect of a recognised surrogacy agreement, means the woman who will, or will seek to, become pregnant for the purposes of the agreement. Note under the <i>Surrogacy Act</i> a woman who gives birth to a child is, for the purposes of the law of the state, the mother of the child (whether the child is conceived by the fertilisation of an ovum taken from that woman or another woman).
Parentage Order	Orders as to the parents of child born under recognised surrogacy arrangements; for the purposes of this policy will be known as "Parentage Order". These can only be made where the child was born under a 'recognised' surrogacy agreement and the commissioning parents are domiciled in South Australia. Once this order is made, the intended parents are considered to be the parents of the child.
Surrogacy	A contract under which one person agrees to become pregnant or to seek to become pregnant and to surrender custody of, or rights in relation to, the resulting child. <i>Surrogacy Act 2019</i> .
Surrogacy Act 2019	This legislation completed in 2019 replaces the previous reference to surrogacy mentioned the Family's Relationship Act 1975 and determines the agreement when one person agrees to become pregnant or to seek to become pregnant and to surrender custody of, or rights in relation to, the resulting child
Consent Medical Treatment and Palliative Care Act 1995	South Australian Legislation that regulates medical practice in regard to consent to medical treatment; administration of medical treatment to a child and administration of emergency medical treatment.
'In loco parentis'	Legal term describing a relationship similar to that of a parent to a child. It refers to an individual who assumes parental status and responsibility for a child as per the <i>Consent to Medical Treatment and Palliative Care Act 1995</i> .

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Patient Information Brochure

Surrogacy

in SA Public Health Services



FEBRUARY 2021

Background

A surrogacy agreement occurs when a woman agrees, for no financial gain, to become pregnant and bears a child for another person or persons to whom she intends to transfer the child's care at, or shortly after, the child's birth.

These parents are known as the intended parents.

The SA Health *Surrogacy Management Standards in Public Health Services SA* provides a guide for registered nurses, aboriginal health workers, midwives and/or medical practitioners working in the South Australian public health system when supporting the woman undertaking a surrogacy agreement.

Surrogacy in South Australia is legislated as per the *Surrogacy Act 2019*, in conjunction with the *Consent Medical Treatment and Palliative Care Act 1995*.

Each surrogacy pregnancy will be managed in its uniqueness and in consideration of the associated legal obligations.

Perinatal care

Perinatal care provided to the surrogate mother will be no different to that provided to all pregnant woman.

Consent

It is recognized that the surrogate mother retains the right to consent to the medical treatment for herself and the fetus during pregnancy, and along with her partner, the treatment and management of the child born as a result of a surrogacy arrangement as defined in the *Surrogacy Act 2019 and the Consent Medical Treatment and Palliative Care Act 1995*.

Discharge planning

The care of the child born from the surrogacy pregnancy will be undertaken as per the Consent for Medical treatment Act. This means the surrogate mother/parents will provide legal consent for any treatment provided to the child.

At discharge, the surrogate mother and intended parents should be offered a referral to domiciliary midwifery and the Child and Family Health Services.



Intended parents

The intended parents, can at the request of the surrogate mother, remain in the health unit to support the surrogate mother during the perinatal period but are not included in the surrogate mother's publicly funded episode of care and subsequently should be:

- made aware of the restrictions to accessing the surrogate mother that may be imposed upon them as a result of the request/wishes of the surrogate mother,
- made aware that some health units have local restrictions on the number of support persons permitted in their birth unit and/or operating rooms,
- made aware that they will not to be 'admitted' as 'inpatients' of the public health service but instead will be managed as per the health unit's boarder policy and where possible, and only at the request of the surrogate mother, be able to remain in the health unit to support the surrogate mother, and
- be directed to discuss their health and counselling needs with their local medical practitioner and be made aware that they may need to source private providers such as lactation consultancy, social work services, allied health services and mental health support.