

ASSISTED REPRODUCTION AND SURROGACY PARENTAGE ACT (EXCERPT)
Act 24 of 2024

722.1908 Court judgment of parentage under surrogacy agreement.

Sec. 308.

(1) Before, on, or after the birth of a child conceived by assisted reproduction under a surrogacy agreement that complies with this part, a party to the agreement may commence an action in the family division of the circuit court for entry of a parentage judgment. The requested parentage judgment may be issued before or after the child's birth as requested by the parties. The surrogate and all intended parents are necessary parties to the action. The complaint must be accompanied by a certification from the attorney representing the intended parent or parents and from the attorney representing the surrogate that the surrogacy agreement complies with the requirements of this part and a statement from all parties to the surrogacy agreement that they knowingly and voluntarily entered into the surrogacy agreement and that all parties are requesting the judgment of parentage. On receipt of the complaint and accompanying certifications, the court must, without holding a hearing unless the surrogate challenges the accuracy of the attorney certificates, enter a judgment of parentage that does all of the following, without additional proceedings or documentation:

(a) Declares that each intended parent is a parent of the child and orders that parental rights and duties vest immediately on the birth of the child exclusively in each intended parent.

(b) Declares that the surrogate and the surrogate's spouse or former spouse, if any, are not the parents of the child.

(c) To protect the privacy of the child and the parties, orders the court records sealed.

(d) If necessary, orders that the child be surrendered to the intended parent or parents.

(e) Awards other relief the court determines necessary and proper.

(2) The court may issue an order or judgment under subsection (1) before or after the birth of the child. The court must stay enforcement of the order or judgment until the birth of the child.

(3) Neither the state nor the department nor the hospital where the child is or is expected to be born are necessary parties to an action under subsection (1).

(4) A certificate of live birth of a child must comply with this act and must be established as provided under part 28 of the public health code, 1978 PA 368, MCL 333.2801 to 333.2899.

History: 2024, Act 24, Eff. Apr. 2, 2025