

MATERNAL CHILD HEALTH

Practice Support Document

Title:	Surrogacy Arrangements
Date Posted:	Jul 24, 2019
Applies to:	Team Members from NSHA Women & Children's Health Units

DEFINITIONS

Surrogate Birth Mother	Surrogate Birth Mother is defined in the federal Assisted Human Reproduction Act as the female person who — with the intention of surrendering the child at birth to a donor or another person — carries an embryo or foetus that was conceived by means of an assisted reproduction procedure and derived from the genes of a donor or donors.
Intended Parents	Intended Parents is not defined by either federal or provincial legislation but is a term used in the provincial Vital Statistics Act Birth Registration Regulations. For the purposes of this guide and the forms used in surrogacy arrangements within NSHA, Intended Parents will be the term used to identify the person or persons who are to assume care and decision making abilities for the newborn child as named by the Surrogate Birth Mother.

INSTRUCTION

In the event of a surrogacy arrangement, please use the following checklist as a guide.

Labour and Delivery

- A written birth plan for the Surrogate Birth Mother and the Intended Parents is recommended. If one is not available, the primary nurse or care provider for the Surrogate Birth Mother (the patient) should review and determine any special requests. This could include who is to be present for the delivery, who will do skin to skin, if they wish to see the baby, etc.
- The Surrogate Birth Mother is considered the patient and will be admitted to a room. Every effort should be made to have another room available for the Intended Parents if possible.

Substitute Decision Maker/Forms

The Surrogate Birth Mother and the Intended Parents should have a legal contract outlining their surrogacy arrangement. The contract for the surrogacy arrangement may include decision-making abilities; however, NSHA staff are **not** a party to this contract so the following forms are to be completed in the case of surrogacy arrangements at NSHA facilities:

- If it is the Surrogate Birth Mother’s intention that the Intended Parents are to be the substitute decision makers for the newborn child, transfer of the consent cannot be done until **AFTER** the newborn child is born. Until such time the forms are completed, the Surrogate Birth Mother is the substitute decision maker for the newborn child.
- Complete the following forms following the birth of the newborn child:
 - **Declaration of the Surrogate Birth Mother**
 - **Consent for Transfer of Newborn Child by Birth Mother:** ~~If the mother is married, her spouse will also complete their part of the form on the Consent for Transfer of Newborn Child by the Surrogate Birth Mother.~~
 - **Acknowledgement of Custody by the Intended Parents**
 - **Surrogacy — Declaration of Substitute Decision Maker:** To be completed by one of the Intended Parents. Intended Parents would fall under category 5 or 6 depending on whether there is a genetic link or not.

Admission of Newborn Child

- Following the birth of the newborn child, the newborn child is admitted as per standard operating procedure. The newborn child is to be admitted under the name of the Surrogate Birth Mother. After the forms are signed, **do not discharge the newborn child and readmit under the Intended Parents’ name.** Transfer of the newborn child to the new room is permitted, and changing the demographic sheet to list the Intended Parents as next of kin is appropriate.

Baby Bands

Each site would have its own protocol regarding banding of the newborn child but the unique hospital number should be placed on all bands. When placing new bands on the newborn child after the newborn is transferred to the Intended Parents please ensure to document appropriately.

- On discharge ensure the unique hospital number on the bands matches to that on all forms and complete this form:
 - **Discharge of Newborn Child to Intended Parents**

Registration

The Surrogate Birth Mother is the appropriate person to complete the registration at the Kiosk and sign the forms. It is the recommendation for the parties involved to discuss

registration of the newborn child with their legal counsel. It is advised that registration be completed in person at Vital Statistics.

When the registration is not completed in hospital, please make your health records department aware as documents such as the **Physicians Notice of Live Birth** will need to be forwarded to the Vital Statistics department. The **Physicians Notice of Live Birth** is completed with the Surrogate Birth Mother' information, with the name of the father to be left blank.

If the registration is to be completed in hospital, it is advised that Vital Statistics be contacted for assistance.

Vital Statistics can be contacted at:

- Phone: 902-424-4381
- Toll-free: 1-877-848-2578
- Fax: 902-450-7311
- vstat@novascotia.ca
- 300 Horseshoe Lake Drive, Halifax, Nova Scotia
- Hours: Monday to Friday 8:30am to 4:30pm

NOTE: Vital Statistics forms do not necessarily accommodate the surrogacy process and work is being done in this area.

Some of the issues that arise when completing registrations in hospital are in regard to the marital status of the Surrogate Birth Mother. This is why it is recommended that the parties complete the registration in person.

Release of Information Consent

- If the Intended Parents wish to have access/copies of any of the records relating the birth, please refer to your health records department for protocol and details regarding release of health information of the Surrogate Birth Mother to the Intended Parents.

Neonatal Screening Forms

- It is important that the screening program knows who to contact for a positive result or if follow up newborn screen is required. It is also important to know who the Surrogate Birth Mother is to ensure that all infants receive newborn screening.
- Please place the Surrogate Birth Mother's label in the **referring hospital label** location on the blotter — note that this is the "Surrogate Birth Mother — do not contact" — and complete the mother's information section with the intended parent(s) information specifying relationship to the infant in the spot provided.

Legal Services

A surrogacy arrangement is complex. This guide may not answer all your questions. For further questions and concerns, please contact Legal Services for the Nova Scotia Health Authority by calling (902) 473-2626 or by emailing NSHA.legalservices@nshealth.ca.

The Legal Services department can be located on the NSHA intranet:

<http://intra.nshealth.ca/legal/SitePages/Home.aspx>