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SAME-SEX COUPLE GRANTED FULL PARENTING RIGHTS

PHILADELPHIA - January 2010 - Domestic attorney Dorothy K. Phillips recently filed a joint petition for pre-birth order on behalf of the biological father of a child conceived via in-vitro fertilization, his life partner, and the gestational surrogate. This petition requests that the biological father and his partner be declared legal parents of the child and that they be listed as such on the birth certificate. This Order is called a Pre-Birth Order (PBO) which completely eliminates any legal rights of the surrogate.

In the legal world, surrogacy is referred to as Assisted Reproduction Technologies (ART). The Pennsylvania Supreme Court has recognized ART, which means couples (gay or straight) can have children via surrogacy and still have all the same parental right as parents who conceive traditionally. In Phillips' latest matter, the biological father and his partner were determined to be the child's legal parents and the Court issued a Pre-Birth legal Order (PBO) declaring the partners the parents of the child.

Celebrity couple Sarah Jessica Parker and Matthew Broderick recently utilized a surrogate to carry their twins, putting this complex subject in the spotlight. Alternative conception methods such as in-vitro fertilization and surrogacy are increasingly popular among couples who cannot conceive and among same-sex couples.

Surrogacy includes any method of non-sexual reproduction. The woman who agrees to carry the baby during the pregnancy is known as the gestational carrier (surrogate), and is implanted with a fertilized egg (an egg which has been joined with a donor sperm in-vitro).

There are different types of cases which warrant the use of a surrogate. One example is same-sex couples. In these matters, which are becoming more and more prevalent, one of the partners will donate sperm and the egg will be donated either from a known or anonymous individual. The egg is fertilized in-vitro and the surrogate is simply the vessel unit of birth.

With its recent prevalence in the media, the number of matters involving surrogacy has increased as awareness has exploded via media popularity. Before surrogacy gained attention, same-sex couples had very limited options. The use of a surrogate enables male same sex couples to have children where at least one of them is the biological parent.

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