

MAINE JUDICIAL BRANCH

Petitioner

Petitioner

DISTRICT COURT
Location (Town): _____
Docket No.: _____

V.

Respondent

Respondent

**JOINT PETITION FOR PRE-BIRTH DETERMINATION
INVOLVING GESTATIONAL CARRIER AGREEMENT**
19-A M.R.S. §§ 1921-1938

NOW COME(S) the petitioner(s), jointly with respondent(s), who request(s) that this court determine parentage and parental rights and responsibilities of the subject minor child(ren) under the Maine Parentage Act, 19-A M.R.S. §§ 1921-1938. In support of this request the petitioner(s) state(s) as follows:

1. Petitioner(s) is/are:
 - intended parent(s) of a child(ren) due to be born on (mm/dd/yyyy) _____.
 - the gestational carrier and spouse (if applicable) of a minor child due to be born on (mm/dd/yyyy) _____.
2. Respondent(s) is/are:
 - intended parent(s) of a child(ren) due to be born on (mm/dd/yyyy) _____.
 - the gestational carrier and spouse (if applicable) of a minor child due to be born on (mm/dd/yyyy) _____.
3. Gestational carrier is married and the gestational carrier's spouse, _____, is joined as a party in this proceeding.
OR
 Gestational carrier is not married.
4. Petitioner(s) reside(s) in (town) _____, (county) _____, (state) _____.
5. Respondent(s) reside(s) in (town) _____, (county) _____, (state) _____.
6. Maine has jurisdiction in this case because all parties to the petition agree to submit to the jurisdiction of this State, and at least one of the parties resides in this State.
7. Pursuant to the gestational carrier agreement, the gestational carrier agreed to pregnancy by means of assisted reproduction and the gestational carrier (and the spouse if married) agreed to have no rights and duties as the parent(s) of the child(ren) conceived through assisted reproduction.
8. The intended parents agree to be the exclusive parent(s) of any resulting child(ren) and agree to accept all parental rights and responsibilities of any resulting child(ren) immediately upon the birth of the child(ren).

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9. Petitioner(s) and respondent(s) declare that their gestational carrier agreement fully complies with all of the statutory requirements listed in 19-A M.R.S. § 1932 as indicated below. **A copy of the gestational carrier agreement is attached.**
- A. The gestational carrier agreement is in writing and has been signed by all parties.
- B. The agreement requires no more than a one-year term to achieve pregnancy.
- C. At least one of the parties to the agreement is a legal resident of this State.
- D. The agreement was executed before the commencement of any medical procedures other than the medical evaluations required by 19-A M.R.S. § 1931, including before the transfer of any embryos.
- E. The gestational carrier is 21 years old or older.
- F. The gestational carrier has previously given birth to at least one child.
- G. The gestational carrier has completed a medical evaluation that includes a mental health consultation, and has provided records related to the medical evaluation to the intended parent(s).
- H. The intended parent(s) has/have completed a medical evaluation that includes a mental health consultation, and has/have provided records related to the medical evaluation to the gestational carrier.
- I. The gestational carrier has had independent legal representation of the gestational carrier's own choosing and paid for by the intended parent(s) in all matters concerning the terms of the gestational carrier agreement, and has been advised of the legal consequences of the gestational carrier agreement.
- J. The gestational carrier did not contribute gametes for use in the pregnancy.
- OR**
- The gestational carrier did contribute gametes for use in the pregnancy, but has entered into a gestational carrier agreement with a family member.
- K. The gestational carrier is married. The gestational carrier agreement is signed by the gestational carrier's spouse, the spouse agrees to abide by the obligations imposed on the gestational carrier by the terms of the gestational carrier agreement, the spouse acknowledges to have no claim to parentage of any resulting child(ren), and acknowledges the exclusive parentage of the intended parent(s) of all resulting child(ren) immediately upon the birth of the child(ren).
- OR**
- The gestational carrier is not married.
- L. The attorney representing the gestational carrier has completed a declaration that is attached to the gestational carrier agreement stating that the agreement meets all of the requirements of the Maine Parentage Act.
- M. The intended parent(s) has had independent legal representation in all matters concerning the terms of the gestational carrier agreement.

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- N. The attorney representing the intended parent(s) has completed a declaration that is attached to the gestational carrier agreement stating that the agreement meets all of the requirements of the Maine Parentage Act.
- O. Each party has signed a written acknowledgment that she has received a copy of the gestational carrier agreement. **Copies of the signed acknowledgments are attached.**
- P. The agreement expressly provides that the gestational carrier must undergo assisted reproduction and attempt to give birth to any resulting child(ren).
- Q. The gestational carrier has the right to use the service of a health care provider of the gestational carrier's choosing to provide care during the pregnancy.
- R. The agreement expressly provides that the gestational carrier has no claim to parentage of any resulting child(ren), and the gestational carrier acknowledges the exclusive parentage of the intended parent(s) of all resulting child(ren) immediately upon the birth of the child(ren).
- S. The agreement provides that the intended parent(s) are the exclusive parent(s) of all resulting children immediately upon the birth of the child(ren) regardless of whether a court order has been issued at the time of birth, that the intended parents accept all parental rights and responsibilities of all resulting child(ren) immediately upon birth regardless of the number, gender, or mental or physical condition of the child(ren), and that the intended parent(s) assume responsibility for the financial support of all resulting child(ren) immediately upon the birth of the child(ren).

WHEREFORE, pursuant to 19-A M.R.S. § 1934, petitioner(s) and respondent(s) jointly request a birth order:

- Designating the contents of the birth certificate(s) in accordance with 22 M.R.S. § 2761 and directing the Office of Data, Research and Vital Statistics to designate the intended parent(s) as the parent(s) of the child(ren);
- Declaring that the intended parent(s) are the parent(s) of the resulting child(ren), and ordering that all parental rights and responsibilities vest exclusively in the intended parent(s) immediately upon the birth of the child(ren);
- Sealing the record from the public to protect the privacy of the child(ren) and the parties; and
- Any further relief that the court determines necessary and proper.

I swear under penalty of perjury that the above statements are true and correct. I understand that these statements are made for use as evidence in court and that I am subject to prosecution for perjury punishable by up to 5 years in prison and a fine of up to \$5,000 if I give false information to the court.

▶ _____
Signature of Petitioner
 Date (mm/dd/yyyy): _____
 Name: _____
 Address: _____

 Telephone: _____
 Email: _____

▶ _____
Signature of Petitioner
 Date (mm/dd/yyyy): _____
 Name: _____
 Address: _____

 Telephone: _____
 Email: _____

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Attorney for Petitioner(s), if any:

Signature of Attorney and Maine Bar Registration Number
Date (mm/dd/yyyy):
Name:
Address:
Telephone:
Email:

STATE OF MAINE

COUNTY

Personally appeared the above named, and
, and made oath that the foregoing statements are true under
penalty of perjury.

Before me,

Date (mm/dd/yyyy):

Attorney at Law Notary Public Clerk

I swear under penalty of perjury that the above statements are true and correct. I understand that these statements
are made for use as evidence in court and that I am subject to prosecution for perjury punishable by up to 5 years in
prison and a fine of up to \$5,000 if I give false information to the court.

Signature of Respondent
Date (mm/dd/yyyy):
Name:
Address:
Telephone:
Email:

Signature of Respondent
Date (mm/dd/yyyy):
Name:
Address:
Telephone:
Email:

Attorney for Respondent(s), if any:

Signature of Attorney and Maine Bar Registration Number
Date (mm/dd/yyyy):
Name:
Address:
Telephone:
Email:

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STATE OF MAINE

_____ COUNTY

Personally appeared the above named, _____ and _____, and made oath that the foregoing statements are true under penalty of perjury.

Before me,

Date (mm/dd/yyyy): _____

▶ _____
 Attorney at Law Notary Public Clerk

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