

Bureau of Vital Records

Bulletin

This bulletin is issued by the Arizona Department of Health Services Bureau of Vital Records as part of a continuing effort to improve the quality, completeness, and accuracy of data submitted to the State's Vital Records Systems.

Surrogate Births

The purpose of this bulletin is to clarify the procedures to follow for surrogate births.

Arizona Revised Statute A.R.S. §36-334.A (Determining maternity and paternity for birth certificates) states the following: A person completing a birth certificate shall state the name of the woman who gave birth to the child on the birth certificate as the child's mother unless otherwise provided by law or court order.

If a **court order is provided**, the legal parent(s) information will fill out the following boxes on the Certificate of Live Birth as applicable to the court order, 1, 9, 16-42, 51-63 (information on Child Info, Mother's Info, Mother's Race & Hispanic Origin, Mother's Address, Father's Info, and Father Race & Hispanic Origin tabs in EBRs). Boxes 43-50, 64-76 (information on Birth Info, Medical Risks, Labor & Delivery, Congenital Anomalies, Obstetric Procedures, Abnormal Conditions, Smoking/Height/Weight, Immunization tabs in EBRs) should be completed using data on the surrogate mother.

If the hospital responsible for completing the birth certificate **does not receive a court order/pre-birth order prior to the child's birth or within 7 days after the child's birth**, then the mother who gave birth to the child shall be placed on the child's birth certificate. The birth certificate shall be submitted to the State Bureau of Vital Records to register the birth.

If the hospital **receives a court order/pre-birth order prior to the birth or within 7 days after the child's birth**, a copy of the court order shall be faxed to the State Bureau of Vital Records Registry team at 602-364-1241 for approval prior to submitting the birth record for registration.

If a **court order/pre-birth order is not submitted to the hospital**, the surrogate parents who want to have their names added to the child's birth certificate will need to seek legal assistance to obtain the appropriate court order to amend the birth certificate to list their names. Please refer the surrogate parents to the State Bureau of Vital Records for further direction since surrogacy can be complicated and have different scenarios.

All birth certificates shall be entered into the Electronic Birth Registry System (EBRS) and submitted to the State Bureau of Vital Records for registration **within 7 days after the child's birth**—no exceptions!