

CHAPTER 17
SB 12 – FINAL VERSION

03/05/2015 0502s

2015 SESSION

15-0390
05/01

SENATE BILL **12**

AN ACT relative to jurisdiction over surrogacy cases under RSA 168-B.

SPONSORS: Sen. Bradley, Dist 3

COMMITTEE: Judiciary

ANALYSIS

This bill provides that the probate division of the circuit court shall have jurisdiction over surrogacy cases brought pursuant to RSA 168-B.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears [~~in brackets and struck through.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Fifteen

AN ACT relative to jurisdiction over surrogacy cases under RSA 168-B.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 17:1 Definition of Court. RSA 168-B:1, IV is repealed and reenacted to read as follows:

2 IV. “Court,” unless otherwise indicated in this chapter, means the probate division of the
3 circuit court in the county where the gestational carrier resides, where the intended parent or
4 parents reside, or where the resulting child is born or is expected to be born.

5 17:2 Parentage Orders. Amend RSA 168-B:12, I to read as follows:

6 I. Any of the parties to a gestational carrier agreement may petition the [~~circuit~~] court for a
7 parentage order declaring that the intended parent or parents are the sole parents of a child
8 resulting from assisted reproduction and a gestational carrier arrangement, and that the gestational
9 carrier and her spouse or partner, if any, are not the parent or parents of such a child. Such a
10 petition may be brought in the [~~circuit~~] court in the county where the gestational carrier resides,
11 where the intended parent or parents reside, or where the resulting child is born or is expected to be
12 born. Such a petition may be brought either before, during, or subsequent to the pregnancy. The
13 court shall, within 30 days, grant the petition upon a finding that the parties have substantially
14 complied with the requirements of this chapter pertaining to the execution of a gestational carrier
15 agreement. Sworn affidavits demonstrating substantial compliance shall be sufficient to permit such
16 a finding and a hearing shall not be required unless the court requires additional information which
17 cannot reasonably be ascertained without a hearing. In the absence of such substantial compliance,
18 the court may in its discretion issue such parentage order upon a finding that the parties intended to
19 enter into a gestational carrier arrangement and the best interests of the child would be met by
20 permitting parentage to be established in this manner. Such parentage orders issued under this
21 section shall conclusively establish or affirm, where applicable, the parent-child relationship.

22 17:3 New Section; Jurisdiction. Amend RSA 168-B by inserting after section 21 the following
23 new section:

24 168-B:22 Jurisdiction. The probate division of the circuit court shall have exclusive jurisdiction
25 over all actions instituted pursuant to this chapter.

26 17:4 Effective Date. This act shall take effect 60 days after its passage.

27

28 Approved: May 5, 2015

29 Effective Date: July 4, 2015