

To be inserted by Court

Case Number:

Date Filed:

FDN:

ORDER - SURROGACY

YOUTH COURT OF SOUTH AUSTRALIA
SURROGACY JURISDICTION

IN THE MATTER OF [*NAME OF CHILD*]

Please specify the Full Name for each party. Each party should include a party number if more than one party of the same type.

Display the following items as applicable

First Intended Parent

Second Intended Parent

Surrogate/Birth Mother

Partner of Surrogate/Birth Mother

Other Party

Child

Only one of the next two items display as applicable

ATTORNEY-GENERAL

CHIEF EXECUTIVE

Introduction

Hearing

[Hearing date]

[Presiding Officer]

Appearances

Displayed as applicable

[First Intended Parent Appearance Information]

[Second Intended Parent Appearance Information]

[Surrogate/Birth Mother Appearance Information]

[Other Party Appearance Information]

[Interested Party Appearance Information]

[Attorney-General Appearance Information]

[Chief Executive of the Department for Child Protection Appearance Information]

[Other party title's Appearance Information]

Date of Order:

Next box only displayed if originating process is application for an order as to parents of a child born under a recognised surrogacy agreement
Next box only displayed if one or more recitals are entered

Recitals

The Court is satisfied that:

Order granted

[] there has been due and proper compliance with the requirements of the Act and that it is in the best interests of the child that an order be made.

Order not granted

[] there has been due and proper compliance with the requirements of the Act but that it is not in the best interests of the child that an order be made.

Order not granted

[] there has not been due and proper compliance with the requirements of the Act.

[] [any other recitals to appear in order].

Next box only displayed if originating process is application to revoke an order as to parents of a child born under a recognised surrogacy agreement
Next box only displayed if one of more recitals are entered

Recitals

The Court is satisfied that:

Revoke order granted

[] the original order was obtained by fraud, duress or other improper means.

Revoke order granted

[] a consent relied on for the making of the original order was not an effective consent because it was obtained by fraud, duress or material inducement.

Revoke order granted

[] there is an exceptional reason why the original order should be discharged.

Revoke order not granted

the grounds of the application have not been made out

[any other recitals to appear in order].

Next box only displayed if originating process is marked as other
Next box only displayed if one or more recitals are entered

Recitals

The Court is satisfied that:

[any other recitals to appear in order].

Next box only displayed if originating process is application for an order as to parents of a child born under a recognised surrogacy agreement

Order

It is ordered:

Mandatory if outcome is adjournment or interim order

That the hearing of the application is adjourned until [date].

Mandatory if application is dismissed

That the Application for an Order as to Parents of a Child Born Under a Recognised Surrogacy Agreement is dismissed.

Mandatory if application is withdrawn

That leave is granted for the Application for an Order as to Parents of a Child Born Under a Recognised Surrogacy Agreement to be withdrawn.

Mandatory if order not granted

That no order shall be made as to parents of a child born under a Recognised Surrogacy Agreement

[other]

Mandatory if order granted

1. That section 18 of the Surrogacy Act 2019 has been complied with and the Court accepts the Recognised Surrogacy Agreement as between the surrogate/birth mother [name] and the intended parents [name] and [name], such Agreement being entered into on [date].
2. That the surrogate/birth mother [name] freely and with full understanding of what is involved, agrees to the making of these orders.
3. That the intended parents [name] and [name] are fit and proper persons to assume the role of parents of the child[ren].
4. That the Court approves that the child [name] shall be named as [name].
5. That the Registrar of the Youth Court of South Australia will give the Registrar of Births, Deaths and Marriages written notice of the particulars described in section 21 of the Surrogacy Act 2019.

If outcome is interim order

The period between service upon the [party title] [name] and the hearing of the application is reduced to [number of days] days.

If outcome is interim order

Service upon the [party title] [name] is dispensed with.

[other]

Orders in separately numbered paragraphs

Next item only displayed if order granted

It is noted that the effect of this order for the purposes of the laws of the State will be as follows:

1. That the relationship between the child[ren] [name] and the intended parents [name] and [name] is to be treated as being that of child and parent.
2. That the relationship between the child[ren] [name] and the surrogate/birth mother [name] and the husband of the surrogate mother/birth father [name] is to be treated as not being that of child and parent.

Next box only displayed if originating process is application to revoke an order as to parents of a child born under a recognised surrogacy agreement

Order

It is ordered:

Mandatory if outcome is adjournment or interim order

That the hearing of the application is adjourned until *[date]*.

Mandatory if application is dismissed

That the Application to Revoke an Order as to Parents of a Child Born Under a Recognised Surrogacy Agreement is dismissed.

Mandatory if application is withdrawn

That leave is granted for the Application to Revoke an Order as to Parents of a Child Born Under a Recognised Surrogacy Agreement to be withdrawn.

Mandatory if order not granted

That the Application to Revoke an Order as to Parents of a Child Born Under a Recognised Surrogacy Agreement is dismissed.

[other]

Mandatory if order granted

1. That the original order dated *[date]* be revoked.
2. That the child shall hereby be named as *[name]*.
3. That the Registrar of the Youth Court of South Australia will give the Registrar of Births, Deaths and Marriages written notice of the particulars described in section 21 of the Surrogacy Act 2019.

If outcome is interim order

The period between service upon the *[party title]* *[name]* and the hearing of the application is reduced to *[number of days]* days.

If outcome is interim order

Service upon the *[party title]* *[name]* is dispensed with.

[other]

Orders in separately numbered paragraphs

Next item only displayed if order granted

It is noted that the effect of this order for the purposes of the laws of the State will be as follows:

1. That the relationship between the child *[name]* and the intended parents *[name]* and *[name]* is to be treated as not being that of child and parent.
2. That the relationship between the child *[ren]* *[name]* and the surrogate/birth mother *[name]* and the husband of the surrogate mother/birth father *[name]* is to be treated as being that of child and parent.

Court use only

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Registrar