



Cope's youth leader still suspended

Cope youth leader Anele Mda will remain suspended, the party's youth league said in Johannesburg.



Hi 29C° Low 13C° | 7 day forecast
Johannesburg | View other cities

MARKETS / JSE: 26182.650 ▲ 0.48% RAND-DOLLAR: 7.2600 ▲ 1.02% | FEEDS

HOME NEWS SPORT BUSINESS ENTERTAINMENT LIFE & STYLE SCI-TECH OPINION BLOGS MULTIMEDIA



JOBS | ENTER JOB CODE



ARTICLE 0 COMMENTS BOTTOM EMAIL SHARE PRINT

Surrogates no longer legal parents

Couples won't have to adopt from birth mom

Jun 28, 2009 12:00 AM | By PREGA GOVENDER

THE North Gauteng High Court in Pretoria has handed down a landmark judgment that recognises couples, who have children through surrogacy, as the legal parents.

On Tuesday, Judge Pierre Rabie ruled in favour of a Pretoria couple who wanted this assurance before they started the medical process with a close family friend who is willing to carry their baby.

For years, men and women who used surrogate mothers to bear their children had to adopt the child before they could legally be regarded as the parents.

The adoption could take from a few months to two years to finalise. But Judge Rabie ruled that the genetic parents are the legal parents, not the surrogate mother - thus eliminating the need for such parents to launch adoption proceedings once the baby is born.

The Pretoria couple, who brought this week's application, spoke of their months of anguish and uncertainty after opting for surrogacy.

The woman, 34, and her husband, 39, were adamant that they had not approached the court because they were worried that the surrogate mother they had chosen would not keep her side of the deal.

The woman said: "At no stage did we feel there was a risk involved with the surrogate. I don't think it was about making sure we were protected so that the baby is handed over to us.

"We knew that the birth mother was regarded as the legal parent and we started questioning this legislation. Why, if genetically it's our child, should we have to go through the process of adopting the child again after birth?

"We brought the application, on our attorney's advice, to challenge current legislation and to try to change the way surrogacy is being regulated in South Africa."

Their attorney, Adele van der Walt, said the high court ruling was a victory for childless couples across the country who were increasingly turning to surrogate mothers to carry their children.

Statistics on the number of couples in South Africa who have used surrogate mothers are not known.

"'Why, if genetically it's our child, should we have to go through process of adopting it?'"

Ads by Google

[Birth Time](#)

[Fertility](#)

[IVF Surrogacy](#)

[Birth Games](#)

OPINION

BLOGS

COLUMNISTS

Meghan McCain sets twitter on fire with the oldest trick in the book

Power to the protesting people and the roasting chickens

Brazilian soccer coaches are optimistic – obviously

Teargas says "Go Away"

Me thinks Santana will stay?..

Graeme Smith goes clubbing

Gary spared by BCCI

Give Younis what he wants

See dollars, not ball

Brian Temba Launch at La Toscana at MonteCasino, Fourways

MORE BLOGS

SPONSORED LINKS

- Personal Loans and Credit Cards
- Life insurance
- Car & Household Insurance
- Cheap Business Insurance
- big or buy Bid or Buy
- Motor Insurance Quote
- 1st Insurance for women
- Property Auction
- Save on your insurance
- Cars online

One prominent egg donor and surrogacy agency said this week that it had 19 surrogate mothers on its books, of whom 10 had successfully undergone fertility treatment.

Jenny Currie, founder of the baby2mom egg donation and surrogacy programme, said it had seven surrogate mothers who had, or would be undergoing, fertility treatment.

A section of the Children's Act 38 of 2005, dealing with surrogacy, has not yet been enforced but it specifically states that a surrogate mother should not use surrogacy as "a source of income".

Currie said the cost of a child born through surrogacy was "roughly about R200 000". The fees include the cost of in vitro fertilisation and the medical screening of the surrogate as well as fees for the social worker assisting with the process and the attorney drawing up a surrogate motherhood contract.

She said some surrogates expected a car in return, while others wanted nothing at all.

The Pretoria couple, who have been married for over two years, always thought they would have a family of their own.

"Both of us are from families where there are brothers and sisters and we have always spoken about having a family of our own. For medical reasons, I am on medication that prevents me from falling pregnant so we started exploring other options," said the woman.

They were lucky to find the right surrogate - a close family friend with a family of her own - within just weeks of making their decision.

"There's no doubt in her mind about what she is doing. She is doing it completely as an act of love. It just shows you that there are kind people out there and that we shouldn't lose faith in humankind. We will assist her with her loss of income and in paying towards any medically related process, including hospitalisation," the woman said.

govenderp@sundaytimes.co.za

[Surrogate Motherhood.](#)

Cost.Prices,AVF, Donor Egg. Surrogacy Center "La Vita Felice"

www.surrogate-mother.ru/eng/

[Surrogacy Since 1991](#)

Focused on Personal Attention Gestational Surrogacy Agency

www.buildingfamiliesinc.com

["Why Are You Still Fat?"](#)

I struggled for years to lose fat, then I saw this and was blown away.

FatBurningFurnace.com/HowIDidIt

[Gestational surrogates](#)

Surrogacy Website Find Your Egg Donors, Surrogate Mothers Online

www.SurrogateFinder.Com

OTHER ARTICLES IN 'SUNDAY TIMES'

- [In Brief](#)
- [Online Scene](#)
- [Win CATS tickets valued at R76 000!](#)
- [Win a trip for two to Washington!!](#)
- [Second 'community cop' gunned down](#)
- [Tuesday: SABC2](#)
- [Thursday: M-Net](#)
- [Reader's Views](#)
- [Uganda tolerates diverse media](#)
- [Women also to blame for protecting abusers](#)

Ads by Google

RELATED TOPICS ► CULTURE AND LIFESTYLE, FAMILY, SURROGACY

ARTICLE 0 COMMENTS EMAIL SHARE PRINT BACK TO TOP

Sign in or Sign up to comment

COMMENTS



Be the first to comment

TODAY'S TOPICS ▶ POLITICS | WORLD POLITICS | SPORTS | AFRICAN POLITICS



HOME | NEWS | SPORT | BUSINESS | ENTERTAINMENT | LIFE & STYLE | SCI-TECH | OPINION | BLOGS | MULTIMEDIA

ADVERTISE | CONTACT US | SUBSCRIPTION SERVICES | SYNDICATION | BLOGS | MOBILE | RSS FEEDS | SITE MAP | SPONSORSHIPS ▾

© 2009 AVUSA, Inc. All rights reserved.

Use of this site constitutes acceptance of our [Terms & Conditions](#) and [Privacy Policy](#)

