

DutchNews

Legal basis for surrogacy hailed as breakthrough by campaigners

June 30, 2023



A draft proposal to regulate surrogate parenting will be [put before MPs](#), making the Netherlands one of the first countries in Europe to have a legal framework for the practice.

Surrogacy is already possible in the Netherlands, but the rules are far from clear, family law lawyer Jo-an van der Tol told broadcaster [NOS](#).

“This is such a breakthrough. People didn’t really know what to do before. Do we have to go to counseling? Are we supposed get independent legal advice? These will all become legal requirements under the new law.”

At the moment the person who carries the child is the official parent. Parents who have a child by surrogacy often have to wait over a year before they can be registered as the official parents.

Until then they do not receive child benefits and cannot make medical decisions concerning the child. The new law will recognise the parents as the official caregivers from the moment the child is born.

The new law also allows prospective parents to actively look for a surrogate and for surrogates to indicate they are willing to carry someone else's child.

Provisions about remuneration and what form this should take will also be subject to legal requirements. Information about the surrogacy process, including any agreements made between the parties, will be registered for the children to consult if they wish.

“In the first place this law will give children born out of surrogacy a good legal start. It's then up to the parents to make the right decisions in the interests of their future child,” legal protection minister Franc Weerwind said.

No date for the vote has been set as yet.