

Civil Court Makes Unprecedented Ruling in Surrogacy Case

by Alexandre Bachet, 26 June 2013.

Judge Carmen Bacigalupo from the Civil Court Number 86 today ruled that Juan De Gregorio (44) and Maica Moraes (40) could declare their baby, “B.M”, who was born of a surrogate mother, as their biological daughter. This is the first ruling of this kind by an Argentine Court.



Congress is debating Civil Code reform. (Photo: Beatrice Murch)

The couple can now attest officially that B.M is their daughter under the article 19 of Argentina’s Constitution and the Children Rights Convention.

De Gregorio and Moraes married in 2006, but after Moraes had lost two pregnancies, the second after six months, they learned at the hospital that she had little chances of giving birth. With the waiting list for adoption too long, eventually a friend of Moraes offered to be a surrogate mother for the couple, using a donated egg and sperm of the couple.

The baby was born in April 2012, starting a long legal battle over her identity and family line. During the tribunal, a DNA test proved the biological link that De Gregorio and Moraes both have with B.M. The baby will now obtain a birth certificate with her biological parents name on it. ”It’s incredible,” De Gregorio told Clarin. ”Hope comes during hopeless moments.”

The landmark ruling comes as debate continues over [Civil Code reforms](#) proposed last year, which includes new regulations over surrogacy and other family issues such as adoption. It also occurs just weeks after a new law opening access to [assisted fertilisation](#) techniques.