

HB643 INTRODUCED



1 HB643
2 9JTWJMB-1
3 By Representative Nelson
4 RFD: Judiciary
5 First Read: 19-Mar-26



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SYNOPSIS:

Existing law does not authorize, prohibit, or regulate surrogacy.

This bill would require that, if a child is born to a surrogate in this state, the probate court in that county shall confirm the identity of the intended parent or parents and ensure that the child is relinquished directly to an intended parent.

This bill would require intended parents to provide a certified copy of the identification order to the hospital, birthing center, or other facility where the child is born, and would prohibit a child born via surrogacy from being relinquished to the custody of any individual who is not an intended parent identified by the probate court.

This bill would provide that, if an intended parent does not physically appear in this state to retrieve the child, the State Department of Human Resources shall temporarily assume custody of the child until such time that an intended parent provides a certified copy of the identification order and physically retrieves the child.

This bill would allow the department to adopt rules.

This bill would also require each hospital,



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29 birthing center, or other facility that offers labor
30 and delivery services to adopt a policy to ensure
31 compliance with this bill.

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A BILL

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TO BE ENTITLED

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AN ACT

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38 Relating to surrogacy; to require probate courts to
39 identify the intended parents of children born to surrogates;
40 to provide for the custody of children born to surrogates; to
41 require certain facilities that offer labor and delivery
42 services to adopt a policy; and to authorize the State
43 Department of Human Resources to adopt rules.

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BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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Section 1. (a) If any child is born in this state to a
46 surrogate, the probate court in the county where the child is
47 born shall do all of the following:

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(1) Review any pre-birth custodial order or other
49 surrogacy agreement establishing the intended parent or
50 parents, solely for the purpose of identifying the intended
51 parent or parents.

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(2) Confirm the identity of the intended parent or
53 parents.

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(3) Ensure that the child is given directly to the
55 custody of an intended parent.

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(b) Before a child born to a surrogate may be



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57 relinquished to an intended parent, the intended parent shall
58 provide the hospital, birthing center, or other facility where
59 the child is born with a certified copy of the order
60 confirming the identify of the intended parent or parents. No
61 child born to a surrogate may be relinquished to any
62 individual who is not confirmed as an intended parent, as
63 identified pursuant to subsection (a).

64 (c) (1) If an intended parent does not appear in this
65 state to physically receive the child, the State Department of
66 Human Resources shall temporarily take custody of the child,
67 until such time that an intended parent: (i) provides the
68 department with a certified copy of the order confirming the
69 identify of the intended parent or parents; and (ii)
70 physically retrieves the child from the custody of the
71 department.

72 (2) The State Department of Human Resources may adopt
73 rules to implement this subsection.

74 (d) Each hospital, birthing center, and any other
75 facility that offers labor and delivery services in this state
76 shall adopt a policy to ensure children born to surrogates are
77 relinquished in compliance with this section.

78 (e) This section may not be construed to limit the
79 ability of any individuals in this state to enter into a
80 surrogacy arrangement.

81 Section 2. This act shall become effective on October
82 1, 2026.