

## Swiss gay couple faces legal battle over child born through surrogacy agreement

On May 21, 2015 the Swiss Federal Court refused to register a male couple – who are in a civil partnership and living in Saint-Gallen, Switzerland – as the legal fathers of a child born following an intercountry surrogacy arrangement.

The background to this case is that the child was born in California to a gestational surrogate, with one of the intending fathers providing the sperm, which was used to fertilise an egg from an anonymous donor. With the consent of the surrogate, and following a judgment of a Californian court, the intending fathers were named as the legal parents and their names were recorded in the child's U.S. birth certificate. The family returned to Switzerland and took steps to be recognised as the child's legal parents.

A court in Saint-Gallen held, in broad terms, that recognition of the joint legal parentage was in the best interests of the child. That court stated that to hold otherwise would leave the child with 'limping' legal parentage, particularly as the second intending father would be unable to establish his legal paternity. Echoing in many ways a decision of the Supreme Court of Germany, the court in Saint-Gallen held that non-recognition would have negative long-term consequences for the child. Moreover, the court held that the best interests of the child also required that the genetic origins of the child, as well as details of the surrogate, must be recorded in the civil register.

**The GLP aggregated and excerpted this blog/article to reflect the diversity of news, opinion and analysis. Read full, original post:** [Switzerland, inter-country surrogacy and public policy](#)