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In a historic ruling Jan. 5, the Connecticut Supreme Court declared couples that enter into a valid surrogacy agreement (“intended parents”) to bring a child into the world are the legal parents of that child, regardless of genetic connections.

Previously, non-genetic intended parents were required to complete adoption proceedings following the birth of their child. Now, a non-genetic intended parent can establish legal parental rights with a pre-birth court order issued by the Superior Court of Connecticut. This process also allows intended parents to obtain a replacement birth certificate for the child that reflects the parentage of both members of the couple. With its ruling, the Court essentially created a new way to establish parental rights in Connecticut, adding this process to the three existing methods of establishing parental rights: 1) giving birth to your own genetic child; 2) adoption; and 3) the birth of a parent’s genetic child via a gestational carrier.

The decision stems from the lawsuit *Raftopol v. Ramey*, which was brought by the Law Firm of Victoria T. Ferrara, PC of Fairfield, Conn. Ferrara represented intended parents Anthony Raftopol and Shawn Hargon Raftopol, a married couple that had sought a pre-birth court order naming Hargon, the non-genetic parent, as the legal parent of the children to be born to their gestational carrier, Karma Ramey. Ferrara represented Raftopol and Hargon throughout the litigation and the appeal.

Attorney Ferrara says, “ This is one of the most important decisions in the history of couples having children through surrogacy. By recognizing the right of two parents having a child through surrogacy to be named legal parents whether or not they are genetically or biologically related to the child, the Connecticut high court sets an incredible precedent. Also, no longer will couples, gay and straight, be faced with having to adopt their own children once their children are born through a gestational carrier. Furthermore, it sets the standard for other state courts to follow so that a more coherent body of law regarding surrogacy will emerge from this historical decision.”

The lawsuit was filed after Raftopol and Hargon became parents to twins in April 2008 through gestational surrogacy – when a surrogate carries a child but is not genetically related to the child – and Connecticut’s Department of Public Health refused to allow the names of both fathers on their children’s birth certificates. The Supreme Court affirmed a lower court’s order that mandated the state to issue birth certificates that reflected both men’s parentage.

Amicus briefs supporting the plaintiff’s case were filed by GLAD, Lambda Legal and the American Academy of Assisted Reproductive Technology Attorneys, among others.

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