

SUPREME JUDICIAL COURT OF MAINE

Nolan v. LaBree

52 A.3d 923 (Me. 2012) · Decided May 3, 2012

SUMMARY

The Maine Supreme Judicial Court held that the District Court had statutory authority to declare the maternity of a genetic parent in an undisputed gestational-carrier case. It vacated the judgment in part and remanded for a judgment declaring Celia Nolan the child's mother and the LaBrees not to be the child's parents. The court also held that the Department of Health and Human Services was not required to be joined because the Nolans sought a parentage judgment rather than an order directing the Department to act.

CASE DETAILS

COURT	Supreme Judicial Court of Maine
WRITING FOR THE COURT	Gorman, J.; Alexander; Gorman; Jabar; Levy; Mead; Saufley; Silver
JURISDICTION	Maine
DECIDED	May 3, 2012
DISPOSITION	vacated
PROCEDURAL POSTURE	The Nolans appealed from a District Court judgment declaring Robert Nolan the child's father and Celia Nolan the child's de facto mother, while declining to declare Celia's legal maternity.
STANDARD OF REVIEW	The court reviewed the interpretation of the parentage statutes de novo.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Robert Nolan, Celia Nolan v. Kristen LaBree, Jeffrey LaBree

TOPICS

surrogacy parental rights statutory interpretation appellate procedure

PRACTICE AREAS

family law assisted reproductive technology parentage

QUESTIONS PRESENTED

1. Whether the District Court had statutory authority under Maine's parentage statutes to declare Celia Nolan the legal mother of a child born to a gestational carrier.
2. Whether the District Court could determine the legal parentage of the genetic parents and thereby determine that the gestational carrier and her husband were not the child's parents in an undisputed proceeding.
3. Whether the Nolans were required to join the Department of Health and Human Services as a defendant in an action seeking a judgment of parentage.

HOLDINGS

1. Title 19-A M.R.S. § 1556 gives the District Court authority to determine parentage, and the gender-neutral term "parentage" includes both paternity and maternity.
2. When the genetic parents seek a judgment declaring their legal parentage and the gestational carrier and her husband expressly do not wish to be recognized as parents, the court may determine that the genetic individuals are the parents without additional proceedings.
3. The Nolans were not required to join the Department of Health and Human Services because they sought a judgment of parentage, not an order directing the Department to alter the birth certificate.

KEY QUOTATIONS

“Based on this statute, therefore, the District Court did have authority to declare the maternity of Celia Nolan.” (¶ 4)

“In the context of an undisputed case like this one, when individuals — here, the genetic parents — seek a judgment declaring their legal parentage, and the other parties — the gestational carrier and her husband — have specifically asserted that they do not wish to be recognized as the child’s parents, the court is authorized to determine that the individuals are the parents of the child and thereby that the gestational carrier and her husband are not the parents of the child.” (¶ 5)

FACTUAL BACKGROUND

Kristen LaBree gave birth to a child conceived through in vitro fertilization using Celia Nolan's egg and Robert Nolan's sperm and implanted as a zygote in Kristen, a gestational carrier. Neither Kristen nor her husband, Jeffrey LaBree, was genetically related to the child, but the child's birth certificate listed the LaBrees as parents. All parties agreed that Robert and Celia Nolan were the genetic parents and that the LaBrees did not wish to be recognized as the child's parents.

PROCEDURAL HISTORY

After an uncontested testimonial hearing, the District Court declared Robert Nolan the child's father, declined to declare Celia Nolan the child's mother for lack of statutory authority, declared Celia the de facto mother, and awarded sole parental rights and responsibilities to the Nolans. The Nolans timely appealed, and Kristen and Jeffrey LaBree joined their argument.

DISPOSITION

vacated

REMAND INSTRUCTIONS

The District Court was directed to enter a judgment declaring Celia Nolan the child's mother and declaring that Kristen and Jeffrey LaBree are not the child's parents. The court was also directed to reflect the child's correct birth date, December 9, 2010, in the judgment.

CASES CITED

- Russell v. ExpressJet Airlines, Inc., 2011 ME 123, ¶ 16, 32 A.3d 1030
- Raftopol v. Ramey, 299 Conn. 681, 12 A.3d 783, 787-791 (2011)