

## Leave and pay when you have a child through surrogacy

Surrogacy is when someone else carries and gives birth to a baby for the intended parents.

If you use a surrogate, the surrogate will be the child's legal parent at birth.

You must apply to become the legal parent within 6 months of the child's birth to get surrogacy rights, leave and pay.

You must apply for:

- a parental order – if one intended parent is genetically related to the child
- an adoption order – if the intended parents are not genetically related to the child

If you apply for an adoption order, the rules for adoption are different.

[Find out your adoption leave, pay and other rights.](#)

You can also read more about:

- [how to become the child's legal parent on GOV.UK](#)
- [parental orders on the Children and Family Court Advisory and Support Service](#)