*Guardianship of Keanu*, 100 Mass. App. Ct. 64 (July 22, 2021) (Rubin, J.) [[slip opinion](http://masscases.com/cases/app/100/100massappct64.html)]

Summary by Rebecca Amdemariam, CAFL Training Unit

In *Guardianship of Keanu*, the Appeals Court affirmed a judgment finding the biological parents of Keanu unfit, terminating their parental rights, and entered an adoption decree with Keanu’s guardian. This case involved a surrogacy agreement between the intended mother and the appellee in this case and the biological mother where the two had connected over a Facebook post asking for a surrogate. Without meeting the appellee, the biological mother responded to the post and offered to become a surrogate. Once the biological mother gave birth, she gave Keanu to the intended mother and a Petition for Appointment of a Guardian was filed the day after with the agreement of both biological parents. Seven months after the Guardianship decree entered, the intended mother filed the Petition for Adoption, yet in that time, the biological parents no longer supported custody of Keanu with the intended parents. After having filed motions for parenting time, the Probate and Family Court found the biological mother and father unfit and terminated their parental rights. The judge found that the biological parents had no intention of having contact with the child after birth and that they did not appreciate the significant bond already developed between the child and the intended mother. The Appeals Court affirmed the decision stating that the circumstances of this case “shock the conscience of the court” due to the nature of the highly informal surrogacy plans created between the two parties on a social media platform.

The Appeals Court noted that this case highlights the need for clarity in this area of the law involving the creation of surrogacy contracts and that action from the legislature is necessary to determine whether new standards and procedures should be applied to appropriately address informal surrogacy agreements.