THE SURROGACY EXPERIENCE™

Legal Checklist

Reproductive Attorney

It is important to hire an attorney qualified in the area of reproductive law as it is an intricate area of the law and continuously evolving; important considerations include:

- Laws vary by state, depending on marital status and sexual orientation
- Retain early in the process
- It is recommended separate legal counsel be retained by the carrier to review the contract to ensure her health and interests are protected

The Surrogacy Agreement

Agreement drafted by qualified legal counsel governing the relationship between intended parents and their gestational carrier. Example items outlined in the agreement include the following:

Carrier Compensation

- Additional compensation for multiples
- Allowance for maternity clothes
- Schedule of compensation payments

Expense Reimbursements For Out of Pocket Expenses

- Carrier legal fees
- Travel requirements during transfer and pregnancy
- Medical fees

Insurance

- Current health insurance coverage
- Arrangements for supplemental health insurance as needed
- Purchase of term life insurance

The Transfer

- How many cycles are the carrier and intended parents willing to attempt to achieve pregnancy
- # of embryos willing to be transferred during each cycle

Medical Decisions

- Outline what testing will be performed during the pregnancy if needed (invasive procedures)
- Agreement on selective reduction and termination

The Birth Order

- Agreement from carrier to participate in legal proceedings to obtain the pre-birth order

Birth Experience

- Hospital for delivery
- Agreement on who will be present in the delivery room; vaginal vs. c-section
- Medical decisions / intervention for the child before and after birth

Pre-Birth Order

Documentation requesting a court order for the issuance of a birth certificate listing the intended parents as the legal parents of their child, thus granting them full parental rights

- Having the right to petition for the pre-birth order has greatly simplified the gestational surrogacy legal process
- Carriers must participate in any legal proceedings that will lead to issuance of a pre-birth order; will be outlined in the surrogacy agreement
- Typically the process for filing the birth order is started after the 1st trimester
- Local legal counsel may be required for the intended parents in the carrier state of residence for issuance of the pre-birth order - state laws, attorney qualifications and personal circumstances will dictate what legal counsel is required

**The information provided above is meant as guidelines for your reference only. Your personal circumstances will dictate how legal representation and legal matters should be handled.*