

# NAVIGATING THE JOURNEY TO PARENTHOOD THROUGH SURROGACY

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**T**he pathway to parenting biological children isn't always straight. In fact, an increasing number of gay couples and singles are turning to surrogacy as a way to become parents.

For many prospective LGBT parents, this route allows them to welcome into the world their own biological child. For lesbians, surrogacy is often considered if a woman and her partner can't carry a child themselves or don't produce an egg to be fertilized. For gay men, surrogacy enables them to pursue the once distant dream of having a child that is genetically connected to them.

Surrogacy options and opportunities in the U.S. are plentiful, but the financial, emotional, legal and physical challenges are often overwhelming. The good news is that it doesn't have to be. Understanding key issues and becoming knowledgeable on the process will allow those pursuing this path to realize the joy surrogacy can bring to all parties.

The decision to embark on the journey of surrogacy is a deeply personal one. Below are some of the issues that gay couples should be aware of as they navigate some of the potential hurdles surrogacy can bring.

## DEVELOPING AN UNBIASED TEAM OF PROFESSIONALS

Most importantly, the surrogacy process in the U.S. requires the building of an unbiased team of professionals, including doctors, lawyers, financial and estate planners, insurance agents and recruiting agencies. An infertility consultant, such as myself, can be your primary point person and facilitate the family building process from beginning to birth. This includes recommending the best professionals for your individual situation, identifying egg donors and surrogate candidates to suit individual criteria, while taking into consideration the legal and financial aspects associated with the selection. Prospective parents should look for an expert with substantial fertility experience, one who inspires confidence and someone they can relate to on a personal level.

## LEGAL RAMIFICATIONS

Surrogacy laws vary greatly from state to state in the U.S. Some states flat out disregard surrogacy and deem it illegal to compensate a surrogate in any manner. Other states recognize that the intended parents are in fact the actual biological parents and therefore list them on the birth certificate. Other states require the surrogate to waive her parentage rights and a formal adoption proceeding is required.

Further complicating these legal variances in many states, is the recognition of same-sex unions. It is es-

sential to identify an attorney familiar with this genre of law—recognize the importance of achieving unbiased legal opinions. Any attorney hired to establish parentage, should only represent you if licensed in the state your surrogate will give birth.

## DETERMINING THE BEST PATH

There are two ways to pursue surrogacy: traditional surrogates and gestational surrogates. Traditional surrogates are those who are inseminated with sperm from you or your partner, fertilizing their own egg. Gestational surrogates are women who have an embryo implanted, after having a donor's egg fertilized with you or your partner's sperm in a lab via In-Vitro Fertilization (IVF). Often, gestational surrogates are more commonly used than traditional surrogates. This is typically done to avoid any unforeseen complications related to legal adoption once the baby is born; since the surrogate mother will not be biologically related to the baby she has delivered.

**When determining which path is best for you, consider:**

- **Do you or your partner want to have a biological connection to your child?**
- **Would you prefer an anonymous egg donor or an egg donated from someone you know?**
- **Will your surrogate use her own egg or do you prefer to use an egg donor?**











## IDENTIFYING SURROGATE CANDIDATES

Many recruiting agencies require non-refundable deposits before sharing a surrogate profile with you. Be careful about putting funds on the table and limiting yourselves to just one agency before you have a suitable candidate. There are times when an agency may not be able to meet your ideal criteria in a reasonable time frame, or find an ideal candidate for your particular situation at all. If the candidate does not medically qualify, find out what options the agency offers.

## BUILDING A SOLID FOUNDATION

An effective surrogacy agreement is key for a smooth surrogacy process. The contract will address a range of issues and should go well beyond terms of compensation and legal parenting rights of the child. A surrogacy contract typically covers important and unexpected details, such as what to do if multiple embryos are implanted and are all successfully fertilized, how to handle medical complications that may arise for the surrogate and parameters for the surrogate in maintaining a healthy pregnancy. It's crucial that the legal issues are properly addressed in the contract, to protect all parties involved and establish a solid framework.

## MANAGING EXPECTATIONS

The importance of setting parameters cannot be overstated. It is also crucial to understand in advance what questions to ask specific to your given circumstance. The answers you get are only as good as the questions you ask.

When selecting your surrogate, you should determine the level of support and contact both are comfortable with throughout the pregnancy and

after birth. Some parents will keep in close touch with their surrogate well after the birth of their child while other surrogates may not wish to do so. These expectations should be clearly laid out prior to signing a contract, as it will help create an environment of trust and support.

## FINANCIAL CONSIDERATIONS

The costs associated with surrogacy can be overwhelming. Before walking down this path, it's essential to ensure that you are financially ready to endure the ups and downs that can arise with the many moving parts on the road to surrogacy. Costs associated with obtaining an egg donor, IVF and the use of a surrogate can vary depending on the individual situation—it is imperative to plan and prepare for the end family goal.

When facing financial challenges, it's also important to set expectations and parameters. Couples should ensure they are on the same page, determining how much they want to, or can afford to spend and how far they are willing to go. Talking with your partner about your finances, establishing a financial plan and creating a budget, then following it, are keys to success. Most importantly, seeking reputable guidance during the family building journey will help minimize financial stress.

For those in need of financial assistance, there are a variety of loan options to choose from. These loan programs vary in length, interest rates as well as terms and conditions, it's important to shop around for different lenders to see what is available and who might be offering the best options.

It is also important to understand the potential hidden costs of surrogacy arrangements abroad. Here are some questions to ask your respective team of professionals:

- Does the surrogate candidate have insurance to cover maternity and delivery?
- If not, at what cost can a policy be secured?
- Does the surrogate live in a surrogate-friendly state where a gay couple can get both their names on birth certificate?

## EMOTIONAL TOLL

Pursuing surrogacy can be a deeply emotional process. Balancing hope with caution is key to defining realistic expectations.

One of the most difficult aspects of surrogacy is the sense of having no control over outcomes. Prospective parents are often left to agonize over whether or not an IVF cycle may or may not have been successful, or if their surrogate is properly caring for herself. Remember to be patient and kind to all concerned and when the situation is out of your hands, stress will never positively affect the outcome. Remaining optimistic and being prepared if it's necessary to try again will keep you focused on what's most important—preparing to welcome your child home.



Mindy Berkson founded Lotus Blossom Consulting (LBC) to help intended parents explore their options for biological families in the U.S. and globally. Through strong strategic alliances nationwide, LBC Consultants bring together the unbiased resources and professionals necessary to accomplish the end family building goal and serve as a guide through the often-stressful demands of the infertility process. For more information, please visit [lotusblossomconsulting.com](http://lotusblossomconsulting.com).