

Could Your Surrogate Take the Baby Back?

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With **infertility** affecting nearly 15% of all individuals trying to conceive, it is not surprising that there are close to 800 births a year involving IVF or the help of a surrogate mother.



Karen Roeb: With proper guidance and information on the process, everything goes quite smoothly. Well, yes ... typically.

What intended parents and **surrogates** do not know is that only California and five other states are liberal enough to legally allow individuals and couples to enter into a surrogacy agreement.

Other states like Michigan have very strict laws prohibiting **surrogacy** contracts. Not only are these agreements held unenforceable by the state law, but anyone who enters into such a contract can be fined or sentenced to jail time.

It was not until a recent situation in Michigan, featured on a morning TV show and in a few major newspapers, that the whole world learned what can happen when a surrogacy goes bad. A **surrogate mother** carried twins for a **Michigan couple**, using donor sperm and eggs. During the adoption proceeding, the surrogate **mother** learned the intended mother had committed a felony nine years ago and was also diagnosed with a psychotic disorder, for which she had been treated. Initially, although quite upset, the surrogate mother agreed to hand the babies to the couple. A month later, she changed her mind.

Now, who is to keep the twins?

There are two major points to consider when pursuing surrogacy as prospective **parents**: Where the surrogate mother will deliver the baby, and having a contractually bound agreement between the parents and the surrogate.

It is quite important that the surrogate mother delivers in a surrogate-friendly state. The individuals and couples facing **fertility challenges** are already going through an emotional and financial process. A legal nightmare is the last thing any **parent** would want to face. Prospective parents need to research the laws of the state in which they intend to hire a surrogate mother, and also have a consultation with a third-party reproductive attorney licensed in that particular state. Taking shortcuts to save money, especially in our current economic environment, may seem appealing, but ultimately, may result in a very risky outcome. Your surrogacy journey needs to be protected by a legal document that is recognized and allowed by the state in which the surrogate resides, and where they will ultimately deliver.

Surrogacy arrangements that are protected by a legal agreement between the parties will provide both sides with psychological evaluations, background investigations, financial obligations, commitments to the process, and

requirements of each unique surrogacy journey. This exchange of information, formalized by attorneys, is critical to the roles that both the parents and surrogate will play. In the case of the Michigan couple and their surrogate, no legal contract was provided, merely an oral agreement to which promises were made.

Surrogacy is an amazing process. A smooth surrogacy journey includes the understanding of any and all potential negative outcomes of an arrangement and facilitating solutions on how best to handle them. This way, one can easily avoid the rare mishaps that can arise, such as the recent situation with the parents in Michigan.



Karen Roeb is the Clinical Administrator for Fertility Miracles, A Division of American Fertility Institute, a leader in [egg donation](#) and surrogacy. In her position, Karen brings over 24 years of experience in obstetrics, gynecology and reproductive medicine to Fertility Miracles. In the course of her career, Karen has personally assisted hundreds of single men and women and couples experience the ultimate joy of parenthood. She also brings the unique perspective of being a caring nurse, a clinician, and now clinical administrator to an organization that provides caring, compassion, as well as the ultimate results, babies to recipients and intended parents around the world. Fertility Miracles' clients come from Europe, Asia, Australia, New Zealand, and throughout Canada and the United States. Recipients and Intended Parents are invited to contact Karen directly at toll free: 1 888-898-8123 or by email at karen@fertility-miracles.com