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Considering Surrogacy?

Some Helpful Practical and Legal Tips

What Does Surrogacy Involve?

Surrogacy is a complex, emotional and costly journey but well worth the end result. The process is a confusing one and the exact steps really depend on what your particular situation is. For example, the steps for a husband and wife who want to use their own genetic material may differ from intended parents who want to obtain an egg and/or sperm from a different party. This article goes through the process and legal implications for two intended parents who want to use a different person's egg, one of the intended parent's sperm and a different surrogate/carrier to carry the baby to term. Generally speaking, this process involves selecting a surrogacy agency, picking an In Vitro Fertilization (IVF) Clinic, selection of an egg donor, selecting a carrier (same as surrogate), fertilizing an egg or eggs, implanting an embryo in a carrier, and finally, after spending up to \$150,000 (or possibly more), the birth of the child. This short description makes it sound much easier than it is, but rest assured that emotions run high during each step and all along the way you are required to make difficult decisions and draft and negotiate complicated contracts between various parties.

In addition to heightened emotional levels, the world of surrogacy has its share of legal complications. In some States & Countries surrogacy is banned and in others it is highly regulated. With surrogates, egg donors, intended parents and clinics all often in different States, you need someone on your side that is intimately familiar with the surrogacy laws in various States. Moreover, the legal work surrounding the custody or adoption of the new-born child is not without its challenges. Let [Scott Legal Services](#), P.C. guide you through all of the hurdles. We can assist you from the start of your journey until the birth of your child and who better to guide you through the process than our company where our staff has actually been through the process.

To get you started, we have developed this brief surrogacy article which summarizes some of the legal implications along with some of the key things you should consider. We have also drafted a White Paper that highlights the top things you should consider to reduce financial and emotional stress during the journey. [Click here](#) to get a copy of the White Paper. Our next article will provide tips on how to select a good surrogacy agency.

The content of this document has been prepared by Scott Legal Services, P.C. for general informational purposes only. It is not legal advice and should not be considered or relied upon as legal advice.

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Do I Have To Worry About A Legal Fight & Will the Carrier Want to Keep the Baby?

The word surrogacy often brings to mind the thought of extended legal battles where the person carrying the baby (Surrogate/Carrier) and the intended parents end up going to court to determine who has legal rights to the child. The fact is though that those days are pretty much gone and an arrangement can be set up where there is very little risk of any drama over parenting rights. One of the most significant changes to the surrogacy landscape that has reduced these court room dramas is that now the person carrying the baby typically does not have any biological relationship to the child whatsoever. That is, in one surrogacy scenario an egg from a completely different person (“egg donor”) can be fertilized by a person (“intended parent”) and then implanted in a completely different person who will give birth (“carrier” or “surrogate”).

This set up has drastically reduced litigation in this area. In the past, the egg donor and the surrogate/carrier were often the same person and this at times resulted in problems where the surrogate changed her mind and wanted to keep the baby after birth. Again, there are many different types of surrogacy relationships and the above description relates to a situation where one intended parent fertilizes an egg of a third party and the embryo is implanted in a completely different person.

What Will Surrogacy Cost?

Surrogacy will always be more than you think and can certainly cost more than the initial cost sheet that an agency will provide to you. Most reputable agencies will warn you that you should expect 20% overages and you should budget for more like 30 or 40 percent to be safe. The costs really depend on a number of factors but here is a very rough summary of the costs for a surrogacy scenario where you have two intended parents where one fertilizes the egg (s), and a separate egg donor and separate carrier are used.

Item	Approximate Cost	Description of Cost
Agency Fee	\$30,000- \$40,000	This can vary but is paid for all of the coordination and legal work the agency will do. At times, this may also include fees for social workers and/or other miscellaneous fees.
Carrier/Surrogate	\$25,000- \$45,000	This will vary depending on the experience and State the carrier lives in. This amount includes the carrier’s base fee and a number of incidental charges such as a stipend, monthly payments, etc..

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Item	Approximate Cost	Description of Cost
Contingency Delivery Expenses	\$5,000-10,000	This also varies and is for things like invasive procedures, twins, etc.. Your contract with the carrier/surrogate will outline a number of different contingencies and the cost related to each.
Egg Donor	\$5000-10,000	Cost depends on whether the donor's eggs have previously resulted in pregnancy. If the donor has been successful in the past, you can count of a fee of around \$10,000.
IVF Clinic	\$20,000- \$30,000	This is the fee the doctor will charge to fertilize the egg and implant the embryo. Fees vary by State and some clinics offer multiple attempt packages.
Insurance/Birth Expenses	\$20,000- \$40,000	If you have an insured carrier, this could be closer to \$10,000.
TOTAL COST	\$105,000 – 175,000 (Very High End)	

Should I Go To India or Another Country to Go Through The Surrogacy Process?

Surrogacy as described above will almost always be over \$125,000 in the United States so some consider surrogacy in other countries. Many consider countries like India where the cost of surrogacy (including travel) is approximately \$25,000 - \$35,000. (instead of \$105,000-\$175,000) Our staff who went through the surrogacy process in the U.S. considered India and spent a great deal of time speaking with and getting information from the various clinics in India. While going through a surrogacy process in India is a viable option for some, our staff did not have a sufficient amount of confidence in the surrogacy system in India or the end result to move forward with India. As a result, they conducted their surrogacy journey in the U.S..

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We are not discouraging individuals from moving forward or investigating India or other countries but it was not for our staff. You should note that your selection of egg donors and carriers will be significantly reduced in these countries and it is very tough to get accurate information on health and/or education of the egg donor or the carrier. Moreover, there were some recent changes to the “unregulated” surrogacy law in India that make surrogacy more complex if the practice is banned in your home country. Finally, same-sex couples should also note that many countries will not deal with them so you should check the surrogacy and/or other laws and policies of the clinics and the countries.

Do I Need A Lawyer?

Given the importance of this major step in your life, the complexity of the law, the expense and the potential for saving money, you should get an experienced lawyer to assist you. While a lawyer from an agency will represent you for some of the legal aspects there may be conflicts of interests. For example, one of the key areas you need an independent lawyer is to negotiate your contract with the agency. Finally, surrogacy law is a tricky area and there are many things a good lawyer can point out to you that will ultimately save you far more than you will ever pay the lawyer. For example, we recently represented a client where we reviewed recommended legal work that an Agency advised and we concluded that the legal work was not necessary. This saved the client \$2,000. There are many such instances where a good independent lawyer will save you money and it makes sense to have an independent source looking out for your interests. Contact Scott Legal Services, P.C., www.legalservicesincorporated.com today and let us help you with your Surrogacy or Adoption needs. You can also call us at 212-223-2964 or email us at iscott@legalservicesincorporated.com.

What Next? Get Your Free White Paper on the Top Surrogacy Tips to Save You Financial & Emotional Stress

Get Your Free White Paper on the Top Surrogacy Tips to Save You Financial & Emotional Stress. Click here to get the free White Paper. This document will save you time, money and aggravation. There is no obligation and this document will expand on some of the points outlined above so that you better understand this complicated area.

Still have questions? Contact Scott Legal Services, P.C., www.legalservicesincorporated.com today and let us help you with your Surrogacy needs. You can also call us at 212-223-2964 or email us at iscott@legalservicesincorporated.com.