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# BEST PRACTICES FOR YOUR SURROGACY JOURNEY

Yifat Shaltiel is a Reproductive Law Attorney in the US with great experience in surrogacy. In this article, she lays out the best practices to ensure that all surrogates and intended parents (IP's) are prepared and protected.

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Surrogacy has long been practiced in the U.S. and prior to proceeding with a surrogate the road to establishing parentage is clearly laid out. While the total cost of surrogacy in the U.S. can vary from \$80,000 to over \$100,000, most couples and individuals calculate that the guaranteed parental legal status and a peaceful surrogacy journey are priceless.

When proceeding with a surrogacy arrangement in the U.S., engaging the assistance of a reputable surrogacy agency that is also directed by a Reproductive Law Attorney, such as Surrogate Steps, LLC, can ensure a peaceful and secure surrogacy journey.

Unfortunately, we have seen too many incidents in countries such as Australia, Thailand, India, the U.S., and elsewhere that have resulted in surrogacy disasters, due largely to lack of surrogacy-friendly regulations. For example, there are no requirements to verify that all parties undergo essential screening to protect all parties involved.

Following good practices and thorough screening for surrogates and intended parents is essential to ensure that all parties, including a future child, are protected emotionally, financially, and legally. Below are explanations of some of the best practices to follow in your surrogacy journey.

## Surrogate Screening:

Working with a surrogacy agency that will properly screen your surrogate is essential. Examples of what the screening entails include some of the following requirements:

- A full medical records review of the surrogate, including all birth records, to ensure that previous pregnancies were normal and there is no risk to the surrogate or a future child.
- Verification that the surrogate resides in a smoke-free and drug-free home and does not have a history of tobacco use or alcohol and drug abuse.
- Verification that the surrogate is fertile and of child bearing age, usually between 21 and 38 years old.
- Verification that the surrogate is at a healthy weight. If the surrogate is overweight or underweight, then the surrogate may be in a high-risk pregnancy category.
- Verification that the surrogate is financially stable and that finances are not the main or sole reason for her decision to become a surrogate.

More and more couples and individuals are turning to surrogacy in the United States (U.S.) to pursue their dream of building a family. While the laws vary within the U.S. from state to state, most states' laws are favorable to surrogacy.

## Criminal Background Checks:

A simple criminal background check offers a great deal of protection for all parties, including the IP's, surrogate and future child. Without a criminal background check, there is no guarantee that IP's are not child sex offenders or that the surrogate or her husband have not been convicted of any crimes, especially crimes involving fraud.

## Home Study:

Many agencies do not conduct a home study of the surrogate, but such an evaluation is crucial. While the surrogate might seem to be a wonderful person, with no criminal background or drug and alcohol problems, these checks do not ensure that her home is a safe place to carry a pregnancy. A home study will verify that that the surrogate's residence is a stable environment for her to safely maintain the surrogate pregnancy.

## Psychological Screening:

Not all fertility clinics require that all parties undergo a psychological evaluation. However, the right agency will assist in scheduling this essential evaluation. It is vital for the health of a surrogacy journey that a professional evaluates the surrogate's feelings about key issues, such as abortion, termination, selective reduction, and turning over the baby to the IP's after giving birth. While such issues must also be addressed in legal agreements between all the

parties, a psychologist trained in surrogacy is able to ensure that all the parties are emotionally suited to a successful surrogacy arrangement.

## Escrow Account:

While surrogacy arrangements can be costly, the surrogate does not receive her full compensation in a single lump sum. In fact, the surrogate's main compensation will commence once there is a positive pregnancy confirmation, and she will then continue to be paid on a monthly basis. There have been some unfortunate surrogacy arrangements where the IP's have decided not to proceed with the surrogacy after the confirmation of a pregnancy, leaving the surrogate with no means of providing for the pregnancy or coping with the aftermath of such a decision by the IP's. Having the surrogate's full compensation and estimated expenses held in an escrow account, especially an escrow account that is held by an attorney (a client trust account), ensures that the surrogate will be fully protected, and avoids future financial issues that may arise.

Applying best surrogacy practices will offer the much needed protection for all parties involved so that everyone will enjoy a peaceful surrogacy journey. For more information about best practices for your surrogacy journey visit us at [www.surrogatesteps.com](http://www.surrogatesteps.com) or follow us on Facebook at Surrogate Steps.