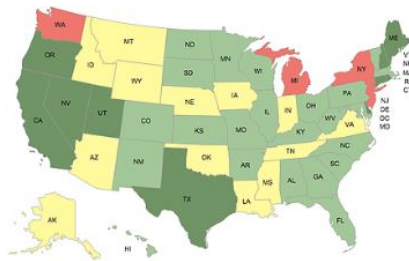




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LEGAL INFORMATION



Surrogacy Law by State

<http://www.surrogacymap.com>



AARTA – American Academy of Assisted Reproductive Technology Attorneys

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MEDICAL RESOURCES



ASRM – American Society for Reproductive Medicine

The American Society for Reproductive Medicine was founded by a small group of fertility experts who met in Chicago in 1944.

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RESOLVE

The National Infertility Association, established in 1974, is a non-profit organization with the only established, nationwide network mandated to promote reproductive health and...

Laurie B. Goldheim, Esq.

Laurie is dedicated to the highest standard of practice in the field of adoption law. She provides not only legal but also emotional support and guidance to all of her clients, helping them through the adoption process.

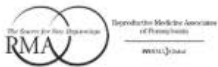


Laurie is nationally recognized for her expertise in adoption and assisted reproductive technology matters. Laurie understands, however, that her clients require and deserve more than just a knowledgeable and experienced adoption and ART attorney.

Her work as an ART and adoption attorney is much more than just a career- it is a core part of who she is as a person. As an adoptee herself, she believes that modern day family building is extraordinary. Because of her commitment and understanding of what effort it takes to build and what it means to be a part of a family, her work extends far beyond that of a typical attorney. She provides not only legal but also emotional support and guidance to all of her clients to help them through their unique family building process. She is available to her clients 24 hours a day, 7 days a week, 365 days a year. She is intimately familiar with each client and each child. Each surrogacy and adoption becomes a personal part of her life. Being an adoption and ART attorney is, to her, rewarding, meaningful, and fulfilling.

- Congressional Coalition on Adoption Institute Angels in Adoption Award 2007
- Co-Author of Child Parent Security Act (pending in NY State Legislature)
- American Academy of Adoption Attorneys: Fellow (1993-present), Board of Trustees (2008-2013), President (2014-2015)
- American Academy of Assisted Reproductive Technology Attorneys: Fellow (2010-present), Director of Adoption (2018-2019)
- While President of the Academy of Adoption Attorneys, Laurie was a Founding Board Member of the Family Formation Charitable Trust, a not-for-profit organization, whose mission is to assist people in their family building efforts through education and financial grants.
- HelpUsAdopt.org Adoption Professionals Council





ASK THE LAWYER: IVF FINANCIAL SECURITY: NEW RESOURCES AVAILABLE FOR FAMILY FORMATION



When embarking into family formation options through Assisted Reproductive means, the first question that often arises is what will it cost, and how will parents pay for such treatment? As recently as five years ago, options were limited, but fortunately, there are now many ways available to help finance family formation.

Pennsylvania is not a state that mandates some form of fertility treatment coverage benefits. Therefore, it is important for you to review your current health insurance policy to determine if and what fertility treatments are covered under your current plan. Look into an assisted reproduction insurance program, which offers insurance plan options for individual fertility needs. Many existing loan programs also now offer loans to help cover fertility treatments. There are also R programs that offer self-paid patients up to a percentage of savings off fertility medications. Looking at your current home equity line of credit, loans against retirement, other investments and insurance policies to finance infertility treatments are always other available options. Some clients also look to credit cards for treatments by requesting changes to their line of credit to afford infertility treatment. There are also charitable trusts that help and consider the needs of individuals and organizations seeking to create families through Assisted Reproductive Technology, such as the Family Formation Charitable Trust created by [American Academy of Assisted Reproductive Technology Attorneys, AARTA](#).

When dealing with legal issues as a result of infertility or infertility treatments, such as health insurance coverage or claims, you should speak to an attorney experienced in the knowledge of Assisted Reproductive Technology Law as well as Health Care Law. If you need help making choices with regard to financing fertility treatments, it would be beneficial to speak to a Financial Planner who is experienced in family formation. All of these potential legal issues may be applicable to your personal situation and understanding the law and your options is paramount in the forefront of your journey.

Dorota Gasienica-Kozak, Esquire,
Chair of the KingSpry Adoption/ART Law Practice Group

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THIRD PARTY

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THIRD PARTY REPRODUCTION: THE LAWYER'S ROLE IN YOUR ART PROCESS

MARCH 4, 2016



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means working with donors (sperm or egg) to conceive and/or gestational carriers to carry the pregnancy. It is important that everyone involved in the reproductive arrangement understands the legal issues. Many ART arrangements cross state borders, with a donor in one state, a gestational carrier in another state and intended parents in a different state from both. Since the laws governing assisted reproduction arrangements vary significantly from state to state, things can get complicated. Protecting and establishing your rights as intended parents is a critical part of the process that requires legal attention. An experienced assisted reproduction lawyer can help guide you through the legal process of ensuring that your rights as intended parents are protected and secured.

Pre-Conception Legal Work

If you are working with a known donor and/or a gestational carrier, your lawyer will need to draft contracts. These types of contracts clarify the legal rights and obligations of the parties involved. They also address issues such as compensation, insurance coverage, lifestyle restrictions for a donor or gestational carrier and many other important details. A contract will need to be negotiated and signed by all parties involved prior to any assisted reproduction medical procedures. The intended parents will need to have their own lawyer to draft the contract. The [sperm or egg donor](#) will also need his or her own separate legal counsel to review the contract. If a [gestational carrier](#) is involved, she will also need her own lawyer to review and negotiate the contract from her perspective. Each party involved needs separate legal counsel because there is the potential for a conflict of interest between the parties. Separate counsel ensures that everyone involved fully understands the process, expectations and his or her own legal rights.

Post-Conception Legal Work

The contract alone is not the end of the legal process. Once a pregnancy is achieved, you may need to take steps to formally establish the legal parentage of the intended parents. This could be in the form of an adoption after the child is born or, if you are working with a gestational carrier, a pre-birth parentage order. Your ART lawyer will evaluate your own situation, the laws of your state, and determine the best way to protect and establish your parental rights.

How to find an ART attorney

ART law is a highly specialized area of law, and is not something your cousin who is a real estate lawyer should be handling. You will need a lawyer with experience in ART arrangements who is licensed to practice in the state that will govern the contract and the legal parentage of the child. You can find an experienced ART lawyer through a professional organization such as the American Academy of Assisted Reproductive Technology Attorneys (AAARTA). AAARTA is a credentialed, professional organization dedicated to the advancement of best legal practices in the area of assisted reproduction law. AAARTA attorneys must adhere to a code of ethics and have handled at least 50 ART cases prior to being accepted into membership. [Find an AAARTA lawyer.](#)

Tiffany L. Palmer is a partner and founding member of [Jerner & Palmer, P.C.](#) in Philadelphia whose practice is focused on family formation through assisted reproductive technology and adoption. Tiffany has received national recognition for her work in assisted reproduction law and was counsel to L.S. in the Pennsylvania surrogacy case, Baby S. case.

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INTENDED PARENTS

THE LEGAL SURROGACY PROCESS

There are three main legal processes in surrogacy: the surrogacy contract, the pre-birth order, and, in some cases, adoption or other post-birth legal procedures.

Surrogacy is an exciting process, and once a surrogate and intended parents have found each other, both parties are usually eager to start the embryo transfer and pregnancy. But before jumping into medical procedures, there are some very important legal factors to take into consideration.

When it comes to surrogacy laws, there are three main legal processes to be aware of: the surrogacy contract, the pre-birth order, and, in some cases, adoption or other post-birth legal procedures. Below, find an outline of these and other legal issues with surrogacy.

Surrogacy Contracts

Prior to the embryo transfer, every surrogate and intended parent needs to work with their own attorney to [draft and negotiate a surrogacy contract](http://surrogate.com/intended-parents/surrogacy-laws-and-legal-information/understanding-surrogacy-contracts/) (<http://surrogate.com/intended-parents/surrogacy-laws-and-legal-information/understanding-surrogacy-contracts/>).

Every surrogacy contract outlines two major legal issues:

- **Finances:** The parties' attorneys will negotiate the surrogate's base compensation as well as additional payments for items such as maternity clothes. The contract should also determine added compensation in the case of any complications or other possible circumstances, like carrying multiples or going on bed rest.
- **Social Requirements:** The contract will also outline the surrogate's basic responsibilities throughout the pregnancy — abstaining from tobacco, alcohol and other drugs, for example. Most contracts also include certain social agreements between the intended parents and the surrogate, such as who will be present at key prenatal appointments and at birth.

There are many variables that can impact the course of a pregnancy and a surrogacy arrangement. It is vital to work with an experienced surrogacy attorney to draft a comprehensive contract that covers every possible outcome.

If you are working with a surrogacy agency, your specialist can likely coordinate legal representation for you. However, if you are looking for an independent attorney to assist you in drafting your surrogacy agreement, the [American Academy of Assisted Reproductive Technology Attorneys](http://www.aaarta.org/aaarta-page/home) (<http://www.aaarta.org/aaarta-page/home>) (AAARTA) offers a directory of legal surrogacy experts.

THE PRE-BIRTH ORDER

The next step in the surrogacy legal process is to officially establish the intended parents as the baby's legal parents (<http://surrogate.com/intended-parents/surrogacy-laws-and-legal-information/establishing-parentage-in-surrogacy/>). This process looks different depending on state surrogacy laws (<http://surrogate.com/intended-parents/surrogacy-laws-and-legal-information/surrogacy-laws-by-state/>).

In most surrogacy-friendly states, the intended parents can work with their attorney to file a pre-birth order. The pre-birth order essentially expedites the post-birth legal process and allows the baby to be discharged from the hospital to the intended parents.

The requirements to file a pre-birth order vary by state. In general, the intended parents will need to compile the following paperwork:

- An affidavit from the physician saying that the embryos were in fact transferred to the surrogate
- Any social documents prepared for the surrogacy, including evaluations of the intended parents and the surrogate
- Paperwork signed by the surrogate family saying that they intended to relinquish any legal rights they have to the child once he or she is born

Attorneys generally begin working on the pre-birth order about seven months into the surrogate's pregnancy. If a pre-birth order is filed, the only paperwork needed to finalize the surrogacy after birth is a document signed by the surrogate and her partner recognizing that they are not the legal parents of the child, as well as documentation from the intended parents stating that they will accept custody of the child.

Adoption and Other Post-Birth Legal Processes

In some cases, additional legal steps need to be taken after a baby is born via surrogate. This is true in any surrogacy arrangement in which one or both of the intended parents is not genetically related to the baby.

A stepparent adoption (<http://consideringadoption.com/adopting/types-of-adoption/what-is-stepparent-adoption>) is required when one parent's genetic material was combined with donor eggs or sperm to create the embryo. A husband may adopt

band's genetic child. Depending on to complete a second-parent adoption rather than a stepparent adoption.

If the intended parents completed an embryo adoption (<http://consideringadoption.com/adopting/types-of-adoption/what-is-embryo-adoption>) and neither of them is biologically related to the child, a full adoption is required by both parties.

Whenever an adoption is required in surrogacy, the intended parents must comply with their state's adoption laws. (<http://consideringadoption.com/adoptions-by-state>) Your attorney can help guide you through the legal adoption process based on your state's laws.

Final Thoughts

The legal surrogacy process varies greatly depending on a number of factors. Gestational surrogacy (<http://surrogate.com/about-surrogacy/types-of-surrogacy/what-is-gestational-surrogacy/>) laws differ from traditional surrogacy. (<http://surrogate.com/about-surrogacy/types-of-surrogacy/what-is-traditional-surrogacy/>) laws, state regulations affect the steps necessary to legally complete a surrogacy, and even the circumstances of each individual pregnancy can guide the legal process.

The best thing intended parents and surrogates can do to legally protect themselves throughout the surrogacy process is to work closely with an experienced surrogacy professional and a local attorney who is experienced in assisted reproduction.

Are you interested in learning more about surrogacy or starting the process? Complete our form (<https://surrogate.com/contact/>) to request free surrogacy information now.

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Each year, the Congressional Coalition on Adoption Institute "CCAI" sponsors Angels in Adoption™, their signature adoption public awareness program. Denise Bierly was designated as a 2014 Congressional Coalition on Adoption "Angel in Adoption" by Pennsylvania Senator Bob Casey.



CENTRE COUNTY BAR ASSOCIATION
Centre County, Pennsylvania

The Centre County Bar Association has approximately 180 members, and includes trial attorneys, judges, government attorneys, corporate attorneys and general practitioners in the Centre County region. Bobbie Rabuck was the 2015 President of Pennsylvania's Centre County Bar Association.



Bierly & Rabuck | Pennsylvania-based, nationally recognized attorneys with decades of legal experience who have distinguished themselves in the areas of Adoption, Gestational Surrogacy, Guardianship and Child Advocacy.

PRACTICE AREAS

Representing Children as Guardian ad Litem in Pennsylvania

Gestational Surrogates

Intended Parents

Why Every Sperm or Egg Donor Needs an Attorney in Pennsylvania

Exploring Your LGBT Family-Building Options in Pennsylvania

How a Legal Guardianship Can Provide Stability for a Child You Care About

HONORS & MEMBERSHIPS



AMERICAN ACADEMY OF ADOPTION ATTORNEYS



AMERICAN ACADEMY OF ASSISTED REPRODUCTIVE TECHNOLOGY ATTORNEYS



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- [American Society for Reproductive Medicine](#)
- [American Academy of ART Attorneys](#)
- [Chicago Bar Association](#)
- [IL State Bar Association](#)
- [Kevin J Lederer Life Foundation](#)
- [Leading Lawyers Network](#)
- [Resolve](#)

GENERAL INFORMATION ON ADOPTION

- [Adoption Information Center of Illinois](#)
- [Adoption.com](#)
- [American Academy of Pediatrics](#)
- [Child Study Center](#)
- [Child Welfare Information Gateway](#)
- [Evan B. Donaldson Institute](#)
- [National Center for Adoption Law & Policy](#)
- [North American Council on Adoptable Children](#)
- [Report on Intercountry Adoption](#)
- [Resolve](#)

PUBLICATIONS

- [Adoptive Families magazine](#)
- [Illinois Institute for Continuing Legal Education](#)
- [Perspectives Press](#)
- [Tapestry Books](#)

GENERAL INFORMATION ON REPRODUCTIVE TECHNOLOGY

- [Path2Parenthood](#)
- [American Society for Reproductive Medicine](#)
- [Illinois Department of Financial and Professional Regulation, Division of Insurance](#)
- [IL Consumer Fact Sheet on Insurance Coverage for Infertility Treatment](#)
- [The International Council on Infertility Information Dissemination](#)

SUPPORT GROUPS

- [Chicago Area Families for Adoption](#)
- [Organization of Parents Through Surrogacy](#)
- [Resolve Support Groups](#)
- [Midwest Adoption Center](#)

GOVERNMENTAL SITES

- [IL Department of Children and Family Services](#)
- [Internal Revenue Service - Adoption Tax Credit](#)
- [Internal Revenue Service - Adoption Tax ID Number](#)
- [Social Security Administration](#)
- [United States Citizenship and Immigration Services](#)
- [US State Dept - International Adoptions](#)
- [US Passport Agency](#)
- [IL Vital Records](#)
- [IL Laws and Legislation](#)



AMERICAN SOCIETY FOR REPRODUCTIVE MEDICINE



AMERICAN ACADEMY OF ASSISTED REPRODUCTIVE TECHNOLOGY ATTORNEYS

221 North LaSalle Street
Suite 1136
Chicago, Illinois 60601

480 Elm Place
Suite 210
Highland Park, Illinois 60035

Telephone: (312) 673-5312
Facsimile: (312) 673-5318

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- [A Jewish Blessing](#)
- [Rite Options](#)
- [The Chosen One](#)

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- [Prosper Healthcare Lending](#)

Infertility

- [Infertility Resources](#)
- [RESOLVE New England](#)

Legal

- [ACLU](#)
- [American Academy of Assisted Reproduction Attorneys](#)
- [American Bar Association \(Assisted Reproductive Technology Group\)](#)
- [Cornell University Legal Information Institute LawGuru](#)
- [GLAD](#)
- [Lambda Legal](#)
- [Law.Com Dictionary](#)
- [National Gay and Lesbian Bar Association](#)

LCBT Resources

- [Family Equality Council](#)
- [It's Conceivable](#)
- [Men Having Babies](#)
- [Path 2 Parenthood](#)
- [The Center \(NY LCBT Community Center\)](#)
- [Triangle Community Center, Fairfield County, CT](#)

Medical Clinics

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- [Center for Human Reproduction](#)
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- [Yale Fertility Center](#)

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