



*Adoption, Surrogacy and
Family
Law Firm*

FREQUENTLY ASKED QUESTIONS – ASSISTED REPRODUCTIVE TECHNOLOGY

Q. I am interested in serving as a Gestational Carrier or Surrogate, what qualifications do I have to have?

A. A gestational carrier must be over the age of 18. Ordinarily, Intended Parents are searching for a Carrier who is between 24-34 years of age. The proposed Carrier should have had at least one previous pregnancy with little or no complications. You will be expected to refrain from use of tobacco, alcohol, drugs and risky behavior during the process and to receive regular prenatal care. Prior to being accepted as a gestational carrier or surrogate, you will be evaluated for both physical and emotional health since pregnancy is a challenging process and working closely with intended parents requires a flexible personality.

Q. What types of expenses are paid for a Gestational Carrier or Surrogate?

A. Reasonable living, legal, medical, psychological, and psychiatric expenses of the gestational carrier or surrogate that are directly related to prenatal, pregnancy and postpartum periods can be paid. Most gestational carriers and some surrogates receive reasonable compensation for their services.

Q. My Spouse and I are interested in using a Gestational Carrier, but we are concerned that one of us may not be able to contribute to the embryo due to fertility issues. Can we still do this?

A. Yes. You can still use a Gestational Carrier even if one of the Intended Parents is not able to contribute to the embryo. If the Intended Mother is not able to contribute, then the Intended Parents may explore options of egg donation and if the intended father is not able to contribute, then donor sperm can be obtained. The Intended Parents may also explore options of utilizing a donated or adopted embryo. If a donated or adopted embryo is utilized then an adoption proceeding will be necessary as the embryo is not genetically related to either Intended Parent, but the process is much simpler than traditional adoption.

Q. How long does it take for a Gestational Carrier or Surrogate to be matched with Intended Parents?

A. When matching Gestational Carriers or Surrogates and Intended Parents, it is important to consider the personalities of all parties. Sometimes, Intended Parents locate their own Gestational

Carrier or Surrogate, while other times, Intended parents seek to be matched with a Gestational Carrier or Surrogate located by our office or an agency that specializes in finding and screening gestational carriers, egg donors and surrogates. The length of time will depend on the criteria of the Intended Parents and the availability of a suitable Gestational Carrier at that time.

Q. If I use a Gestational Carrier or Surrogate, is there a risk that she could try to seek to establish parental rights to the child?

A. No. A Gestational Carrier does not have a genetic relation to the child and waives all rights to the child in the agreement. A surrogate will use her own egg and therefore will have parental rights until they are terminated by a court. The surrogate will sign adoption consents prior to the creation of the pregnancy but those consents may be subject to revocation by the surrogate at and immediately after the birth of the child. While this occurs only rarely, it is a risk in traditional surrogacy that you would not have if a gestational surrogate was used.

Q. If I use a Gestational Carrier or Surrogate, and the baby has special needs that I am not prepared to handle, what are my options?

A. Florida Statutes provide that Intended Parents agree to accept custody of and to assume full parental rights and responsibilities for the child immediately upon birth, regardless of any impairment of the child. As the parents, you may make an adoption plan for your child and if you believe that another family might be better able to provide for your special needs child.