

March 12, 2019

The Honorable Andrew M. Cuomo  
Governor of New York State  
State Capitol Building  
Albany, NY 12224

Dear Governor Cuomo:

Thank you for your leadership in advancing the Child-Parent Security Act this year.

We understand that concerns have been raised about whether New York's law should include a provision to allow gestational surrogates the opportunity to change their minds about relinquishing a child after they give birth.

As leaders of some of the country's leading surrogacy agencies, we are writing to share our perspective on that question. Together, our agencies have handled approximately 20,000 successful pairings between gestational surrogates and intended parents over the last three decades. **Not once have we had a gestational surrogate who has sought to change her mind about giving the child she is carrying back to its parents once the child is born.** Surrogates do not see themselves as creating a baby—the intended parents do that. They see themselves as creating a family. So in our experience, this question is a non-issue for surrogates. However, for intended parents—many of whom have had to endure serious challenges and years of delay in trying to build a family--the possibility of a gestational surrogate changing her mind after birth would be unbearable. As a result, intended parents would simply avoid working with a surrogate in New York, to the detriment of New York intended parents and potential surrogates.

Our agencies are focused on ensuring a positive, fulfilling experience for both surrogates and intended parents. That's the only way this process actually works. So we're extremely careful in identifying and working with surrogates who are prepared, both physically and emotionally, to work with intended parents to help them build families.

First and foremost, each surrogate that our agencies work with has had an established pregnancy and delivery history of at least one live birth and is parenting their child or children. We do not accept surrogate applicants who have not given birth at least once. This is a policy of the American Society for Reproductive Medicine and one that we believe is crucial. As a result, all surrogates we work with have already experienced pregnancy and fully understand the journey on which they are embarking.

Secondly, all surrogates that our agencies work with are evaluated and approved by licensed mental health professionals to ensure their readiness. This screening process is rigorous, comprehensive and takes months. Typically only about 2% of the women who apply to be surrogates pass the screening.

Thirdly, our agencies all conduct a personal finance review of every prospective surrogate to ensure that they are financially stable and not dependent on the compensation they get for surrogacy to cover living expenses.

The amazing women who decide to serve as gestational surrogates, and who are accepted into our agencies' programs, are fully aware of and committed to what they are doing: helping a family bring a child into the world that could not on their own. They are typically mothers who have had great experiences being pregnant and want to give the gift of life to others who need their help.

The Child-Parent Security Act proposal that you've embraced will not only legalize gestational surrogacy in New York, but will also enshrine into law deep protections for surrogates. These protections include ensuring the surrogate has independent legal counsel and ensuring that she has the sole right to make decisions regarding her own health or that of the fetus or embryo she is carrying. These types of upfront protections in the law help ensure that surrogates, intended parents, and children are all well taken care of in the process.

Thanks very much again for your consideration of our views.

Sincerely,

Kim Bergman PhD and Stuart Bell  
Growing Generations

Melissa B. Brisman, Esq.  
Reproductive Possibilities

Mario Caballero  
Extraordinary Conceptions

Carey Flamer-Powell  
All Families Surrogacy

Nazca Fontes  
ConceiveAbilities

Sam Hyde  
Circle Surrogacy

Darlene Pinkerton  
A Perfect Match

Steve Snyder, Esq  
IARC Surrogacy

Karen Synesiou  
Center for Surrogate Parenting

Wendie Wilson-Miller  
Gifted Journeys

cc: Senator Brad Hoylman  
Assemblymember Amy Paulin