

# LGBT PARENTING AND SURROGACY: A UNIQUE PARTNERSHIP

By *Kate Summers*, NPN member since 2013

**FOR SAME-SEX COUPLES, GESTATIONAL SURROGACY CAN BE THE IDEAL FAMILY-BUILDING SOLUTION.**

The road to parenthood is not always smooth. After exhausting various methods, many couples eventually turn to assisted reproductive technology (ART). The options for a same-sex couple, though, are typically more black and white: adoption or surrogacy. Surrogacy, which involves third-party reproduction, is often more financially achievable and less complicated legally. Still, it's a delicate process that deserves thorough research and consideration.

### **Gestational vs. traditional**

While surrogacy has been getting more mainstream attention in recent years, there tends to be confusion regarding the two "types." It's important to differentiate between gestational versus traditional because of the major biological, legal and emotional implications. In gestational surrogacy, the surrogate mother is not genetically related to the child. Gay males use an egg donor, and lesbian couples use eggs from one of the partners or a donor. In traditional surrogacy, the eggs are those of the surrogate mother, which adds a host of complications to the process, including potential legal and psychological minefields.

### **Emotional challenges**

Today, most couples opt for gestational surrogacy, and more are choosing to work with someone they don't know. Well-meaning friends and family members often volunteer to serve as surrogates, and it's tempting for many same-sex couples; someone they know and love carrying their baby may seem like the perfect scenario. But from an emotional standpoint, intended parents have to consider their comfort level with the connection to their surrogate. It's a deeply personal relationship that can be complicated further if they choose to work with a loved one. Medical and financial issues can get sticky—and that's before the baby is born. What about future ties? Intended parents have to consider the relationship they'll have moving forward. What role will the surrogate have in their child's life? It's a complex dynamic, and for that reason many couples choose to work with a well-screened surrogate they did not previously know. It offers everyone involved the best emotional and legal protection.

### **Legal considerations**

The path to parenthood poses a host of legal complications for same-sex couples, and laws vary widely from state to state. Gestational surrogacy makes sense for gay men because one partner can have a genetic connection. It guarantees that he will be legally recognized as the child's biological parent, and the other partner may not need to obtain an adoption for parental rights. Illinois is one of the most progressive states for surrogacy in the U.S.; in fact, hopeful parents from around the world travel here for the process because the Illinois Gestational Surrogacy Act provides additional flexibility and protection. While it requires one parent to be biologically related to the child, the sperm or egg donor has no legal rights, and upon birth, the parents have sole custody and full parental rights. A legal contract is necessary to clarify the intentions of the statute and to protect all parties: intended parents, surrogate and egg donor.

### **Building Team Baby**

Since ART becomes a more viable possibility—and since Illinois now recognizes same-sex marriage—it's imperative for same-sex couples to have a clear understanding of their options as they navigate the path to parenthood. When considering all the moving pieces, many hopeful parents choose to work with an independent third party to help guide the relationship not only with their surrogate, but with all the other key players on "Team Baby." Having an anchor in place to facilitate medical, emotional, legal, financial and insurance needs eliminates unnecessary stress and uncertainty to achieve the ultimate goal: building their family.

.....  
 Kate Summers is program coordinator at [ConceiveAbilities](http://ConceiveAbilities.com), a Chicago-based surrogacy and egg donation agency that has been helping create unique families since 1996. The agency prides itself on being "the means to a beginning." For information, contact [ConceiveAbilities.com](http://ConceiveAbilities.com).

