



RICHARD VAUGHN, ESQ.
Founding Partner

GREETINGS



RICHARD B. VAUGHN, ESQ.

Attorney Richard Vaughn

- *Chair, American Bar Association (ABA) Family Law Section Committee on Assisted Reproductive Technology, 2013-2018.*
- *An active member, speaker, author for the California Bar Association (CBA) and its Family Law Section*
- *An active member, speaker, author for the American Society for Reproductive Medicine (ASRM) and its Legal Professionals Group*
- *An active member and speaker for the National LGBT Bar Association.*
- *Owner of International Fertility Law Group*
- *Father of twin boys born via surrogacy and egg donation*
- *25 years of experience in business and technology law*
- *Fellow, Academy of California Adoption and ART Lawyers*
- *Fellow, American Academy of Adoption and ART Attorneys*

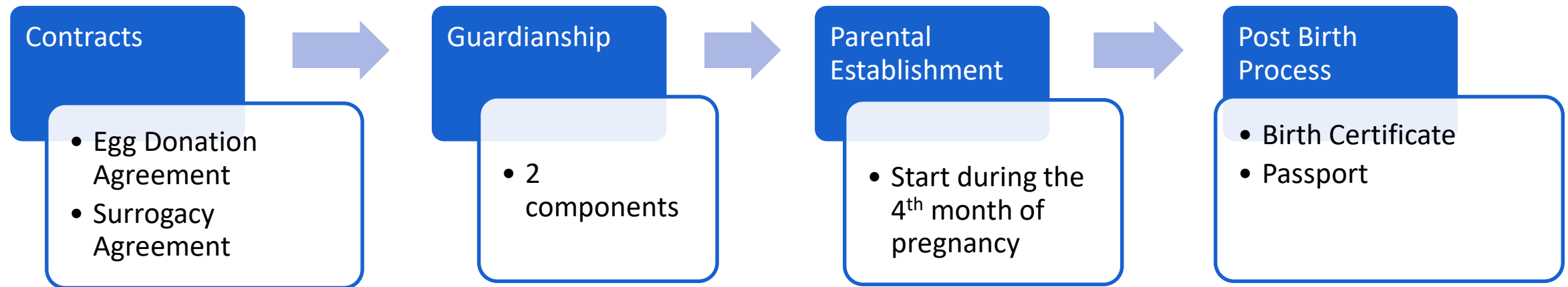
SURROGACY IN THE U.S.

- The United States is widely considered to be the most favorable country for surrogacy for intended parents due to its favorable legal, societal and medical conditions.
- Most U.S. states permit surrogacy. The United States also offers a supportive environment for surrogates and intended parents.
- Approaches to establishing Parental Rights vary but generally we go to court and get a court order (pre/post)
- Surrogacy law, whether by statute or case law, is constantly evolving and changing. **The laws are different from state-to-state, and frequently, the court procedures vary from county-to-county** within a state.
- How and when court orders are obtained and worded will vary



LEGAL CASE

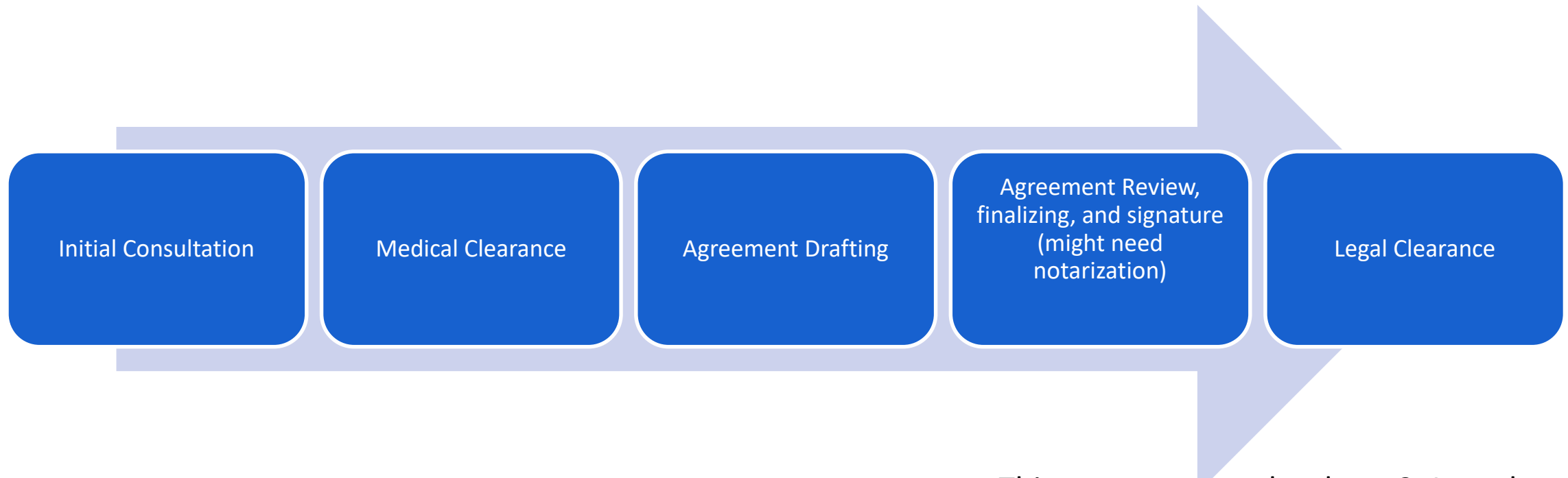
- The ultimate legal objective in these arrangements is to make sure Intended Parents are deemed the legal parent(s) and the birth certificate is prepared according to the requirements of the IPS' home country
- We generally follow the law of the state where the baby is born.



A blue-tinted background image featuring a fountain pen resting on a document. A white diagonal line runs from the bottom left towards the top right, separating the pen and document from a solid blue area on the right. The text 'LEGAL DOCUMENTATION' is written in white, bold, uppercase letters on the blue area.

**LEGAL
DOCUMENTATION**

SURROGACY / EGG DONATION AGREEMENTS



This process may take about 3-4 weeks

**This process also applies to Egg Donation Agreement process (2 -3 weeks)

GESTATIONAL SURROGACY AGREEMENT

GENERAL PROCEDURE	REPRESENTATIONS AND WARRANTIES	PARENTAL RIGHTS	CUSTODY OF CHILD UPON DEATH OF INTENDED PARENT(S)
MEDICAL EVALUATION	PSYCHOLOGICAL EVALUATION AND COUNSELING	MEDICAL INSTRUCTIONS; EMBRYO TRANSFER PROCEDURE	CONDUCT DURING THE AGREEMENT, PREGNANCY AND BREAST MILK PUMPING
PRENATAL SCREENING AND DIAGNOSTIC TESTING	ABORTION	FETAL REDUCTION	MEDICAL EMERGENCY; LIFE SUPPORT
SECOND OPINION	DELIVERY OF CHILD	BREAST MILK PUMPING	SURRENDER OF CUSTODY UPON BIRTH
CONTACT	CHANGES IN CIRCUMSTANCES	PAYMENTS AND EXPENSES	HEALTH INSURANCE AND UNCOVERED MEDICAL EXPENSES
ASSUMPTION OF RISKS OF ABNORMAL CHILD/GENDER OF CHILD	ASSUMPTION OF MEDICAL AND PSYCHOLOGICAL RISKS	CONFIDENTIALITY/PRIVACY RIGHTS	TERMINATION

GESTATIONAL SURROGACY AGREEMENT

TAXES	GOVERNING LAW / JURISDICTION AND VENUE	ENFORCEABILITY OF AGREEMENT	CONDITIONS TO PERFORMANCE
CONSTRUCTION	COUNTERPARTS	AMENDMENT TO AGREEMENT	ATTORNEYS' FEES
INTEGRATION	SURVIVAL	AGENCY, PARTNERSHIP, EMPLOYMENT, OR JOINT VENTURE	HEIRS AND ASSIGNS
TIME IS OF THE ESSENCE	FURTHER ASSURANCES		

Exhibit A

1. Defined Terms
2. Compensation
3. Allowances
4. Special Fees
5. Travel Expenses
6. Lost Wages
7. Health Insurance and Uncovered Medical Expenses
8. Other Expense Reimbursement

SURROGACY AGREEMENT

What it all boils down to:

- Rights and Obligations of the Parties
 - Following Doctor's orders, including dietary, lifestyle and travel restriction
 - IPs will be parents of any resulting child(ren), Surrogate will cooperate
- The Parties' agreement on termination of pregnancy or reduction of pregnancy
- Risks of the Parties
- Surrogate Insurance
- Trust Account Funding Schedule
- Financial Arrangement



EGG DONATION AGREEMENT

GENERAL AGREEMENT	REPRESENTATIONS AND WARRANTIES	GENETIC HISTORY EVALUATION	PSYCHOLOGICAL EVALUATION
PHYSICAL EVALUATION	DONOR'S CONDUCT	PROCEDURE	MATERNITY AND PATERNITY
TERMINATION OF CUSTODY AND PARENTAL RIGHTS	CONFLICTING MEDICAL CONSENT FORMS	DEATH OF INTENDED PARENTS	CONSIDERATION
HEALTH INSURANCE / OOCYTE DONOR ACCIDENT INSURANCE	ASSUMPTION OF RISKS & GENERAL RELEASE	MATERIAL BREACH	CONFIDENTIALITY/PRIVACY RIGHTS
LIMITED FUTURE CONTACT	CHANGES IN CIRCUMSTANCES	ANONYMITY	TERMINATION OF AGREEMENT AND/OR CANCELLATION OF CYCLE
TERM	LEGAL REPRESENTATION	CONFLICT WAIVER	TAXES
NOTICE	AGENCY, PARTNERSHIP, EMPLOYMENT, OR JOINT VENTURE	GOVERNING LAW / JURISDICTION	ATTORNEY'S FEES

EGG DONATION AGREEMENT

CONSTRUCTION	COUNTERPARTS	ENFORCEABILITY OF AGREEMENT	SURVIVAL
AMENDMENT TO AGREEMENT	TIME IS OF THE ESSENCE	INTEGRATION	HEIRS AND ASSIGNS
CONDITIONS TO PERFORMANCE	FURTHER ASSURANCES		

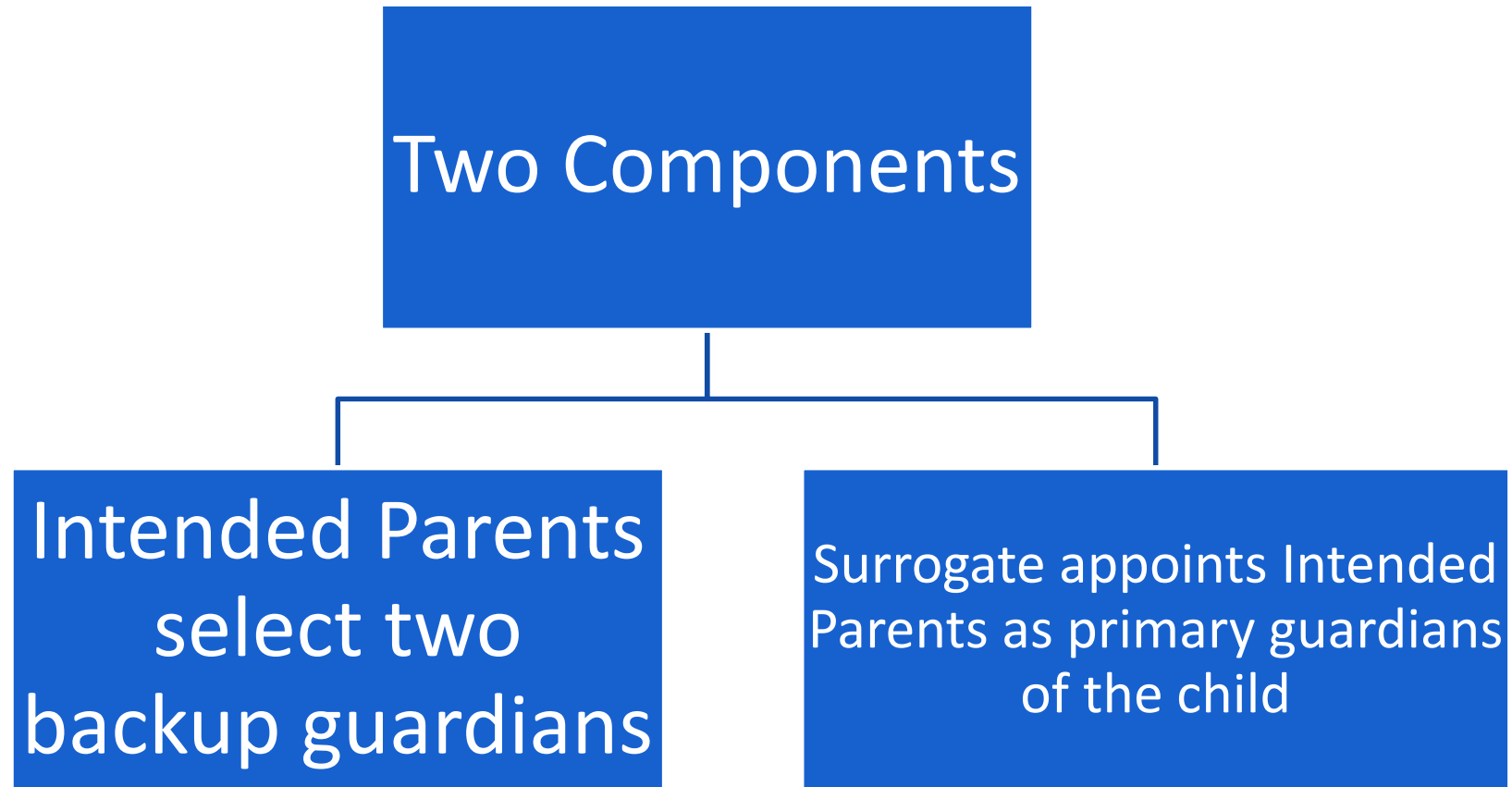
EGG DONATION AGREEMENT

What it all boils down to:

- Rights and Obligations of the Parties
 - Following Doctor's orders, including dietary, lifestyle and travel restriction
 - IPs are presumptive parents of any resulting child(ren)
- The Parties' agreement on ownership of all eggs upon retrieval, all embryos created and disposition of any unfertilized eggs or remaining embryos
- Future Contact / Medical Information
- Risks of the Parties
- Financial Arrangement – Fees/Expenses
- Egg Donor Insurance
- Trust Account Funding



GUARDIANSHIP

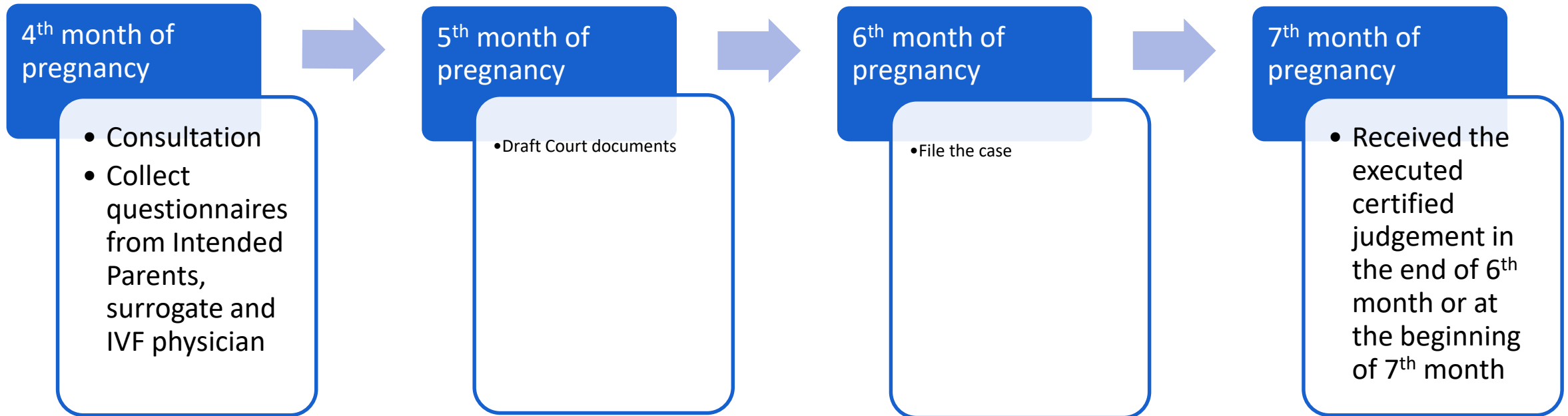




PARENTAGE ACTION

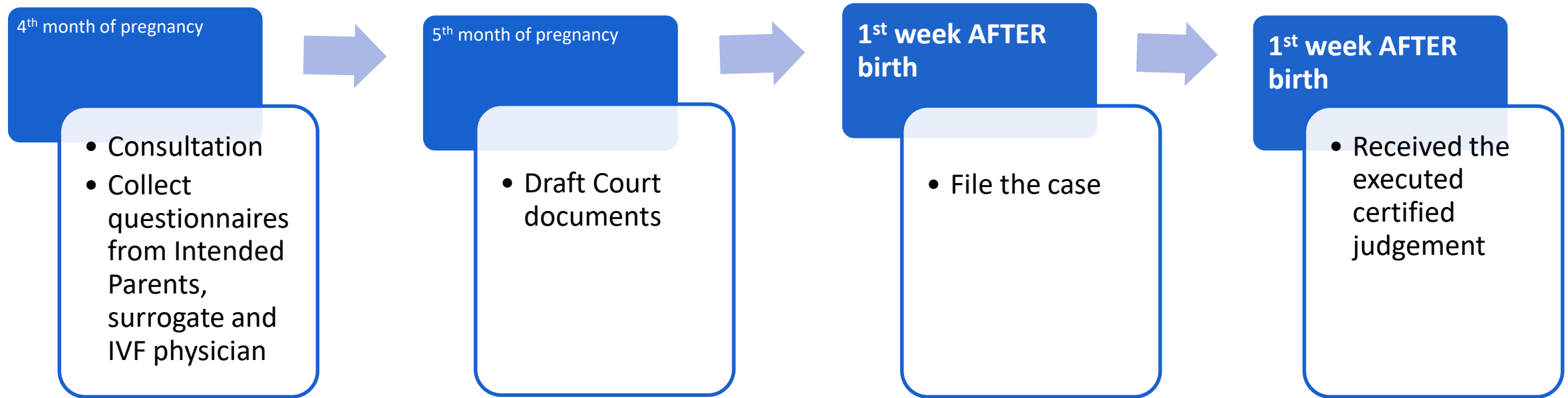
PARENTAL ESTABLISHMENT

**Pre-Birth Order Process

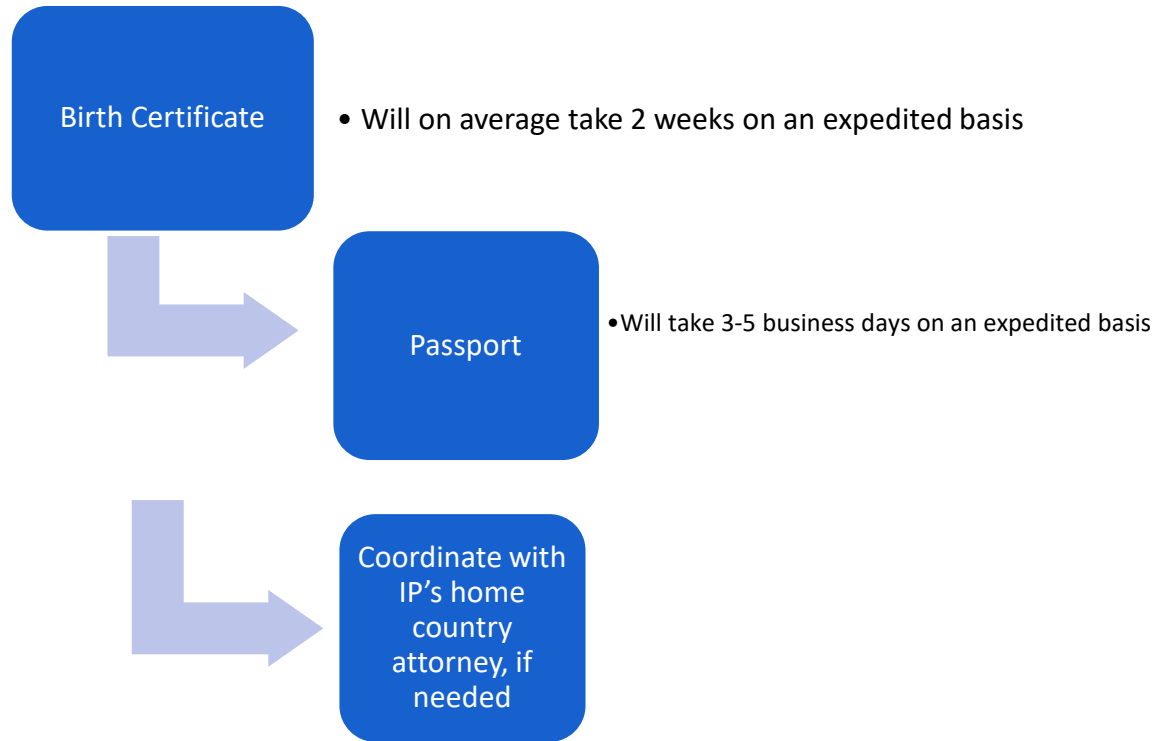


PARENTAL ESTABLISHMENT

**Post-Birth Order Process



POST BIRTH



**** Some Consulates take longer than others!**



INTENDED PARENTS COME WITH DIFFERENT CIRCUMSTANCES

- Citizenship – where will they register the child?
- Residence – where will they return?
- Marital Status
- Whose Genetics
- **The above can affect**
 - **Court Order**
 - **Birth Certificate (whether and how the IPS are listed on the birth certificate)**



THANK YOU

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Growing Families: February 2020 – Sydney and Melbourne

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