

SURROGATE CONTRACT CHECKLIST

Statement of purpose and intent

Representations made by Biological parents

- Adults
- Capable of producing ovum and sperm
- No known reason (legal, psychological or physical) to believe would not be able to parent
- Free of diseases that would cause injury/defect to child
- Will provide embryo(s) for implantation of bio mom/bio dad

Representations made by Surrogate

- Over 18; is/is not single/married
- No desire to add to family
- Fully informed decision
- Full agreement with purpose and intent
- Capable of bearing children and is medically free from disease that would cause injury, etc., to child
- Has full medical and hospitalization insurance coverage
- All information she has provided is true and correct

Definitions

- Attending physician
- Child
- Premature child
- Give notice
- Gestational carrier
- Gestational carrier surrogacy
- Gestational carrier surrogacy/donor egg
- Egg retrieval and In Vitro Fertilization (IVF)
- Genetic mother/biological mother
- Genetic father/biological father

Psychological evaluation

Physical evaluation

Background investigation

Duty of confidentiality

Responsibility for child

- Surrogate agrees to follow physician's instructions – exercise, meds, alcohol, caffeine, out of state travel

Verification of pregnancy

Notice of when labor starts

Pregnancy –

- Number of embryos implanted
- Selective reduction
- Abortion
 - Genetic defects
 - Testing for genetic defects

Paternity/Maternity Proceedings

- Agreement to participate
- Submit to genetic testing

Secure cooperation of husband/sexual partner

Custody

- Immediate to intended parents
- Agree best interests of child placed w/intended parents
- Set forth what best interest factors should be presumed

Death of parties

Child's name

Expense Escrow

Gestational fee and expenses

- Legal fees
- Medical expenses
- Medical insurance premiums
- Limitation on medical expenses
- Psychological/counseling fees
- Paternity testing
- Lost wages
- Maternity clothing
- Proof of expense/receipts

Miscarriage/Abortion/Stillbirth

- Effect on fees
- Effect on expenses

Premature Delivery/Death

Voluntary Termination of pregnancy (Abortion)
Roe v. Wade

Assumption of Risk

Termination of Agreement

_____ During pregnancy

_____ Breach

_____ Consequences

Biological/intended parents remedies upon Surrogate's breach

Surrogate's remedies upon breach by Biological/intended parents

Effect of Breach

Effect of Waiver

Notice

_____ When

_____ To whom

Severability Clause

Parties right to attorney

Disclaimer

Dispute resolution mediation

Execution of agreement

Multiple pages/original/copies

Governing law

Entire agreement

Signatures