

## Sourcing of Surrogate Mothers and Egg Donors

Law Firms and the Semen Banks are the bodies authorized to act as a source for Oocytes and Surrogate Mothers under the "Guidelines for Accreditation, Supervision and Regulation of ART Clinics in India, 2005" drafted by the Indian Council for Medical Research, Ministry of Health and Family Welfare, Government of India.

It has been specifically mentioned in Point No.3.9.2 as follows:

*"Law firms and semen banks will be encouraged to obtain (for example, through appropriate advertisement) and maintain information on possible oocyte donors and surrogate mothers as per details mentioned elsewhere in this document. The above organizations may appropriately charge the couple for providing an oocyte or a surrogate mother. The oocyte donor may be compensated suitably (e.g. financially) by the law firm or semen bank when the oocyte is donated. However, negotiations between a couple and the surrogate mother must be conducted independently between them."*

Indian Surrogacy Law Centre, in its capacity of law firm, helps intended parents to locate the surrogate mothers and egg donors as per their requirements. Our process to find the surrogate mother adheres to the international standard, which is transparent and simple. The sourcing of the right surrogate mother is the first step ahead in the direction of surrogacy. It is not easy issue to have anyone carry your child. We understand the needs of the intended parents, and find the right surrogate mother for those needs.

### THE PROCESS

The process of sourcing of Surrogate Mothers and Egg Donors is designed to be simple and transparent without infringing the confidentiality of any party. The process is aimed at sourcing the right surrogate mother or egg donor with qualities desired by the intended parents. The process is divided into two parts-

- (a) Application by Intended Parents
- (b) Application by surrogate mothers

### Application by Intended Parents

- 1) Intended Parents get in touch with ISLC through mail, phone or in person.
- 2) Intended Parent required to complete "APPLICATION FORM FOR [www.indiansurrogacylaw.com](http://www.indiansurrogacylaw.com)

- INTENDED PARENTS" which collects
- a. Details about the intended parents,
  - b. Requirement for taking up surrogacy,
  - c. Desired qualities in surrogate mother,
  - d. Desired qualities in egg donor,
  - e. When they wish to meet the surrogate mother,
  - f. Willingness to compensate
  - g. Other specific preferences such as religion, willingness to stay with intended parents etc.
  - h. Contact information among others (Copy of the application form is attached)
- 3) The application form is then numbered, indexed and scrutinized for specific criteria. The desired qualities sought in the surrogate mother/egg donor is extracted and recorded.

## **Application by Surrogate Mothers**

Indian Surrogacy Law Centre adheres to the Indian Council for Medical Research Guidelines, 2005 for sourcing of the surrogate mother/egg donor. The Indian Surrogacy Law Centre maintains a database of surrogate mothers and egg donors who are sourced by advertising in the local newspapers.

- 1) Indian Surrogacy Law Centre advertises in the local newspapers calling for women within a certain age limit, who have completed their family to apply for being surrogate mothers/egg donors.
- 2) The surrogate mothers approach Indian Surrogacy Law Centre through phone/in person accompanied by her relative/spouse. Surrogate mothers and egg donors who are not accompanied by their spouse/relative are not entertained.
- 3) The Surrogate Mother shall be required to complete an application form which contains her contact details, medical details, family history, and why the reason she wishes to act as a surrogate mother, and the consideration she is looking for; along with other preferences.
- 4) She shall be counseled preliminarily by an Indian lawyer at the time of filling of the application form with regard to the surrogacy procedure, payment procedures, the medical aspects, the need of her to be within a particular age group, and that she has to be a proven mother.

- 5) On receiving of the application form from the surrogate mother, along with the Identity Proof, the application shall be processed by our application review team.
- 6) After the filtering process, the applications, which can be considered genuine alone, are shortlisted.
- 7) The short-listed applicants information, other than the contact details, shall be disclosed to intended parents who have sought a surrogate mother with those qualifications.
- 8) Later, on short listing of the Surrogate Mother's list by the Intended Parents, they would be allowed to meet the surrogate in person for a personal interview, or for a video conferencing session where they can interact.
- 9) Prior to finally selecting the surrogate mother, the intended parents would be required to take the surrogate mother for medical requirements.
- 10) At all times there shall be a lawyer available with the intended parents, who would communicate with surrogate mother in her local language.

**Indian Surrogacy Law Centre adheres to the following pointers for choosing of a right surrogate mother:**

- a) The surrogate mother should be a woman of courage who will be able to face independently various constraints, which are emotional as well societal.
- b) The surrogate mother must take her own independent and autonomous decision to act as a surrogate and to bear the child. The decision to act as a surrogate should not come out of compulsion or out of coercion. This is most important in country like India where woman are not independent to make decisions.
- c) It is most appropriate that the surrogate mother is already a proven mother who has successfully carried at least one pregnancy and has completed her family. The whole procedure of surrogacy is extremely expensive for the Intended Parents. The Intended Parents take up all the

expenses incurred in this lengthy procedure. It has to be taken into consideration that where the surrogate has already had a proven pregnancy, it would enhance her quality as a surrogate as she has proved her capacity as a child bearer already.

- d) The surrogate mother requires being a practical person who is completely aware of every possibility with regard to surrogacy. For this purpose, a proper medical, legal and psychological counseling to the surrogate would suffice in the normal circumstances.
- e) A prospective surrogate mother should understand that surrogacy is not a typical pregnancy procedure and there are more issues connected to it, which are more complicated.
- f) The surrogate mother also needs to understand that the possibility of conceiving through this method is not that simple and not easy. More importantly, that getting pregnant is something, which is not in her hands. The success rates of the procedures have to be explained to her.
- g) The Surrogate mother must clearly understand that surrogacy is very time consuming and that it may take a year's time. The surrogate should not be totally dependent on that money which is coming through the surrogacy arrangement, as the surrogate tends to become hysterical until the receipt of the money.
- h) The surrogate should be counseled that she would be undergoing continuous medications and injections during the term of the implantation and pregnancy, including hormonal injections. She requires and should be ready to go through these pains.
- i) The spouse/family of the surrogate mother must not only accept the process of the surrogate taking part in the surrogacy arrangement, but he should also encourage the surrogate mother. For this, it is important that the spouse/family of the surrogate mother attends all the meetings with the surrogate mother.
- j) The surrogate mother may face undesirable family environment with her decision to act as a surrogate mother. She should be capable of handling such situations.

- k) The spouse/family of the surrogate mother should be aware of all the procedures in the surrogacy arrangement, including the medical procedures, the financials among others.
- l) The surrogate mother should also be very clear where she would be staying the term of pregnancy.
- m) The surrogate mother and her spouse have to be informed that they would not be able to cohabit during the term of pregnancy starting from the preparation medication stage.
- n) The surrogate mother should be aware of selective reduction. The surrogate mother must clearly understand that conceiving of more than one baby is an inherent possibility and there are high chances for it to take place. In such cases, selective reduction would be a normal process. The surrogate mother should accept selective reduction, if the need arises. Multiple pregnancies are very common in surrogacy and it cannot be assumed that it cannot happen.
- o) The Surrogate Mother should be allowed to fix her own fees to see what according to her is the proper remuneration for her services. In most of the cases, this would also enable the Intended Parents to understand the attitude of the surrogate. She would however be able to negotiate this with the intended parents.
- p) There exists a possibility that the surrogate mother might never be able to conceive again after undergoing surrogacy. It is most advisable that the surrogate mother has already completed her family; so that she does not feel exploited in cases the surrogacy leaves behind a situation where she can never bear a child again.
- q) The Surrogate Mother would be facing unexplainable hardship while parting with the child, which she had borne for the term. In those cases, the surrogate mother would feel it comforting to return to her own children after the surrogacy arrangement.
- r) Though the surrogate may be mentally ready for handing over the child, the imbalance of hormones, which takes place during the time of pregnancy, might bring in mood swings for the surrogate and might destruct all her mental stability. For this reason again, the surrogate mother would find it comforting to join her own children after the

completion of the term.

The experience of motherhood is a wonderful experience and the surrogate mother should willfully come forward for doing it. It is only then that the Intended Parents as well the surrogate mother undergo the process conveniently and comfortably. More importantly, it is a good deed and it is not advisable for anyone to feel exploited in the process.

## **Confidentiality**

Indian Surrogacy Law Centre is highly sensitive to the issue of confidentiality of the parties, intending parents or surrogate mothers or egg donors. All communications before the finalizing of the surrogate mother/egg donor would not be mentioning the name of the surrogate mother/egg donor but merely the code of their application form. We also ensure that the applicants are contacted by none other than officials from Indian Surrogacy Law Centre, so as to protect their identity and security.

## **How can surrogate mothers/egg donor be chosen with personal preferences such as religion, fairness, intelligence etc?**

The simple system presently used by ISLC helps us create a nexus between the intended parents and applicant surrogate mothers/egg donors. Intended Parents can mention their personal preferences mentioned in their application form. Any surrogate mother from the database who satisfies the preferences would be referred to the intended parents. However, we cannot guarantee that in all cases the surrogate mother/egg donor would be completely suit the requirements of the intended parents.

If the intended parents are highly particular on a specific requirement with regard to intelligence or educational qualification or any other personal preference, a special engagement has to be made for this purpose where a special advertisement would be made only for them. The professional fee for this engagement would differ.

## **How is the compensation fixed for the surrogate mother?**

Indian Surrogacy Law Centre does not fix the compensation for the surrogate mother. In the application form for the intended parents, as well as the surrogate mother/egg donor we collect the details of their preferred compensation. We try to mix and match intended parents with surrogate mothers who we feel belong to the same compensation range. The intended parents belonging to the same

compensation range get to meet the surrogate mother, and hence the compensation factor is easily negotiable between them. We believe in independent decision making for the surrogate mother as well as the intended parents.

### **Who fixes the payment schedule and how is it designed?**

The intended parents, the surrogate mother and her spouse discuss on the payment schedule. No single payment schedule would suit all surrogacy arrangements. However, the intended parents would be aided and advised by a lawyer from Indian Surrogacy Law Centre on the desired payment scheme, which would be balanced of interest of both the parties. The most desired payment schedule is compensation to be made on completion of every trimester.

No payment would be routed through the hospital, as this is against the ICMR Guidelines. All compensation has to be transferred directly into the account of the surrogate mother by the intended parents. This enables easy tracking of the payments.