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Legal Issues Important for Intended Parents Using Assisted Reproduction and Surrogacy to Build Their Families

In a survey conducted by the International Academy of Matrimonial Lawyers (www.iaml.org) of its over 600 Fellows, an overwhelming 80% of divorce attorneys cited an increase in the use of assisted reproductive techniques during the past five years. The survey also revealed, 68.1% of respondents have noted that the laws in their jurisdictions are not adequate for the situations created by the use of assisted reproductive technology services (ARTS) and 58.8% were personally aware of unanticipated consequences as a result.

ARTS includes surrogacy, the donation and storage of embryos and genetic material, and many new and emerging techniques all of which have long term implications after relationship breakdowns and even death.

The science of ARTS has rapidly outpaced our laws and society in protecting the best interests of children. Family law practitioners are too often the last to become involved in sorting out the rights of parents and, most importantly, children when problems arise in birth registrations, parentage, citizenship or parenting rights.

Those responding to the survey by IAML provided the following examples of unintended consequences of ARTS in their practices:

- Embryos are frozen. What are the parents' rights to ownership upon divorce?
- Is the father liable for child support if the ex-wife decides to proceed to use the embryos to become pregnant after their divorce?
- Twins are born to a surrogate as a result of the commission father's donated sperm. It is later determined that only one of the twins is genetically connected to the father. What are the consequences to the parents? And what about the child who is not genetically related to either commissioning parent?

The IAML initiative will focus on questions such as: What can parents do if they find themselves facing legal challenges regarding the use of ARTS? Maybe more importantly, what steps should be taken **before** engaging in the use of ARTS?

About IAML

Serving families with international legal concerns, IAML is a worldwide association of practicing lawyers who are recognized by their peers as the most experienced and skilled family law specialists in their respective countries. IAML was formed in 1986 to improve the practice of law and administration of justice in the area of divorce and family law throughout the world.

The IAML can connect interested media to our expert lawyer/interviewees who specialize in this area. We can also assist you in finding parents to interview who have experienced these issues firsthand.

Contact William Longrigg or Nancy Zalusky Berg for more information.