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3 Most common questions asked of surrogacy attorneys

By Stephanie Caballero, Esq.



When people turn to surrogacy to start or build their families, it's normal to have a lot of questions. Having worked in the field of reproduction law since 2005, I have encountered all sorts of questions. When it comes to the topic of third party assisted reproduction, all questions are welcomed. I encourage them -- the more answers I provide, the more I empower my clients to be prepared for their surrogacy journey.

I was recently asked what the three most common questions someone in my profession hears. They were so surprised by my answers that I thought it was time to share them with you.

#1: How Often Does the Surrogate Try to Keep the Baby?

This is the number one question I am asked. It sometimes segues into if I've ever had to go to another state to get a baby that the gestational surrogate has refused to turn over to my clients. This is not the case and I really do think this scenario is more likely to be found in Lifetime movies. I think for the most part, people don't understand reproduction law like they would in another more mainstream area of law.

Misconceptions about surrogacy can be cleared up through education. I think people often forget that surrogates have their own life and their own children. The last thing they want to do is keep the babies of the intended parents' as their own. Reputable surrogacy agencies will only accept surrogate applicants who are mothers with at least one child still living with them. In essence, the surrogate's whole family is involved in the surrogacy journey.

In my experience, after delivery of the child, surrogates want to say hello to the baby and welcome him or her into the world and then hand that precious bundle of joy to the parents and

then take a big, long nap—alone.

Another thing the public may not be aware of is that surrogate applicants are carefully screened by agencies' mental health professionals, physicians, and nurses. Potential surrogates have taken an MMPI (Minnesota Multiphasic Personality Inventory) and after having undergone hours of screening, they finally get to meet with their attorney and read and review a contract that is typically 40 plus pages.

Women who volunteer to be gestational carriers will go through a rigorous screening process. Those that pass are stable, have a strong support system, and are willing to make a year-long commitment. Keep in mind, during this screening phase, they typically do not receive any compensation. It could be months until an agency finds the perfect prospective parents for them.

The final step before the transfer of embryos is typically the contract. The contract clearly states that the gestational carrier is not the mother and covers the parties' rights, responsibilities and duties. Attorneys like myself will obtain a parentage order during the pregnancy, which is a judgment from a competent court of law that declares the surrogate is not the mother.

#2: Were you Kim Kardashian's Surrogacy Attorney?

Ever since the news reports came out in 2017 about Kim Kardashian West and Kanye West needing a surrogate to carry their third child, people were more interested than ever about surrogacy. I was featured on Access Hollywood a few months ago talking about celebrity surrogacy. They asked me if I was Kim's attorney. Even my 13-year-old daughter asked me more than once.

The truth of the matter is that I can't tell you even if I was or even if I wasn't. Remember the golden rule: Attorney/client privilege. And no, I can't blink twice to answer "yes," or blink once for "no." I can't share any information on who I represent, including my high-profile clients.

As for Kim, I think people were so fascinated with her surrogacy because she was so open about her surrogacy and her struggles to conceive her second child. Although her surrogacy news was leaked, I'm not sure that was such a bad thing to have happened because of the way she handled it. She talked about her pregnancy struggles. Because she was so open about it, she brought awareness to infertility and surrogacy.

Even though the timing wasn't of her choosing, she inadvertently helped intended parents like herself, women wanting to be surrogates or egg donors, and professionals in this line of work. In the end, Kim did a lot of good for the surrogacy industry.

#3: Why Did You Become A Surrogacy Attorney?

Usually when people hear someone is an attorney, they usually picture an attorney practicing in the areas of civil litigation, environmental law, bankruptcy law or corporate law. Generally, reproduction law is not what comes to mind.

So why did I get into reproductive law? In many respects, it found me.

I battled years of infertility with miscarriages, surgeries, 13 in vitro fertilization procedures, and more than 10 intrauterine inseminations. I needed a surrogate to have my children 15 years ago, and my dream of motherhood came true when my twins were born. Holding my babies for the very first time was the most unforgettable and incredible moment of my life.

After my surrogate delivered my twins, I finished law school and when they were three years old I decided that I could help individuals and couples achieve their dreams of parenthood through third-party assisted reproduction.



I can emphatically say it was one of the best decisions I ever made.

About Stephanie Caballero, Esq.

Stephanie M. Caballero is the founder of [The Surrogacy Law Center](#), PLC, headquartered in Carlsbad, California. Her firm has represented more than 3,500 clients, including intended parents, surrogates and egg donors from all over the world through surrogacy and egg, sperm, and embryo donation arrangements. Stephanie's expertise in family formation and reproductive law has made her a sought-after expert, and she has appeared on various programs and in print media including the Today Show, Access Hollywood, ABC News, *HuffPost*, *MarketWatch*, *The Hollywood Reporter*, *The Daily Beast*, Fox News, the *Los Angeles Times*, *L.A. Daily Journal* and more.

Stephanie had her own eight-year journey through infertility and finally realized her dream of having children when a surrogate carried her twins.