

# 10 facts about surrogacy

1. The commissioning parents in a surrogacy arrangement are known as the 'Intended Parents'.
2. There are 2 main types of surrogacy arrangements. 'Gestational surrogacy' is when a surrogate is implanted with an embryo fertilised by in vitro fertilisation (IVF) using the Intended Mother's egg and a donor sperm. The resulting child is therefore genetically related to the Intended mother but not to either the surrogate or the Intended Father. 'Traditional Surrogacy' is when the surrogate mother uses her own egg and either the sperm of the Intended Father or a donor sperm to create a child who is genetically related to the surrogate but not to the Intended Mother (or the Intended father if a donor sperm is used).
3. A surrogacy arrangement can only be entered into if that arrangement has been made before the surrogate carries the child.
4. Commercial surrogacy is illegal. Surrogates can only accept the payment of money if it is made 'to the woman or for her benefit in respect of the carrying of the child in pursuance of the arrangement, to that promise or understanding'.
5. Surrogacy arrangements are known as arrangements rather than agreements because an arrangement is not enforceable.
6. Intended Parents (known as the Applicants) must make an application for a Parental Order in respect of the child born from a surrogacy arrangement if they wish to be legally recognised as that child's parents.
7. Any application for a Parental Order must be made during the period of 6 months beginning with the day on which the child is born.
8. At least one of the 2 Applicants must have a genetic relationship to the child and the Applicants can be married, be civilly partnered or be in an 'enduring family relationship'.
9. The surrogate and her husband or partner are considered to be the child's legal parents until and unless the Applicants have made an application for a Parental Order.
10. The Surrogate and her husband or partner must consent freely to the making of a parental order in favour of the Applicants.

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