



COMPARING U.S. SURROGACY AGENCIES

Comparing surrogacy agencies is complex and difficult. There are no regulations that govern surrogacy agencies in the U.S., so it falls on the intended parent to exercise due diligence and to determine what standards they require their agency to meet. Knowing what questions to ask is critical to this analysis. As a surrogacy agency, IARC is focused on providing intended parents with free education to choose the agency that is best for them, and towards that goal, we are offering this list of questions you should ask any agency with which you consult. We hope this will lead you to the family building path that is best for you!

Please reach out to us at info@iarcsturrogacy.com for a **free consultation** to discuss your individual needs and answer any questions you have.

Who is the agency's owner/director?

You must trust the expertise of the person in charge of the agency you select. Surrogacy is an incredibly complex process with a vast number of legal, insurance, financial, and other variables. The more highly qualified and expert the person running the agency is, the more assurance you will have that the agency's procedures minimize your risk across those categories.

In addition and very importantly, although surrogacy agencies are not regulated, licensed professionals such as attorneys and psychologists ARE regulated and have to operate under strict ethical guidelines to maintain their professional licensure. Having such a professional as owner of the agency you work with therefore increases the number of ethical requirements that agency must follow and thereby increases the security of your process.



What services are included in the Agency Fee?

Agency fees will vary significantly based on two factors. The first is the level of expert assistance available to you within the agency's team, and the second is the level of services and support offered to you throughout your program. Many agencies offer "full service" coordination, however this can have different meanings. Generally, a full service agency should assist you with every single decision and step throughout your journey. Having expertise within the agency's team to assist with your legal and medical insurance needs is ideal (versus having those services outsourced and adding to the list of professionals with which you must manage communication).

Asking for both a list of services the agency provides in addition to asking what services will be provided by other professionals outside the agency (attorneys, insurance brokers, escrow companies, etc.) will help you determine if the agency provides the services you prefer.

Are there circumstances where additional Agency Fees may be charged?

Some agencies will offer unlimited service agency fees where you will never pay more than the flat agency fee, and some agencies will have contingent additional agency fees you pay in certain circumstances. The most common contingent agency fees relate to rematching with a new surrogate, being an international client, or the agency providing financial management for payment of your surrogate's fees and expenses.

What surrogate screening steps are done BEFORE matching versus AFTER matching?

The more screening that is done before matching, the more secure your match will be from the start. The most highly disqualifying screening steps a surrogate must undergo are 1) a review of her pregnancy and medical records by a fertility physician and clearance from her personal doctor, 2) a psychological evaluation, and 3) a criminal background check. Also, most intended parents will have preferences for what medical insurance is available for the pregnancy. If the surrogate's insurance is not reviewed prior to match,

there is a significant chance the surrogate's insurance situation will not meet the intended parent's preferences as to coverage or cost.

For international clients who need U.S. insurance for the newborn after birth, this requires an understanding of the state law and legal procedures available in the state where the surrogate lives, so this should also be confirmed before matching. The majority of states will NOT have laws suitable for this purpose. This is the biggest financial risk for international clients, and it is important the agency knows how to expertly navigate this issue (and has a proven track record doing so).

The more screening that is left to be done after matching, the higher the likelihood the intended parent will start incurring costs for and devoting time and emotional energy on a match that is not ultimately suitable for them.

How do I select a fertility clinic (and egg donor program, if applicable)?

Comparing fertility clinics can be just as complex and difficult as comparing surrogacy agencies. Pricing is difficult to compare since clinics' price sheets do not all include the same services/expenses, and it is difficult to know how clinics compare in terms of success rates, ease of procedural requirements, and quality of patient care.

Your surrogate agency should be in the best position to help you make this comparison and offer recommendations based on its experience with different fertility clinics. Some agencies will walk you through this process in detail.

Others may direct you to one fertility clinic only, which may or may not meet your individual needs. Other agencies may ask you to research and select your own clinic. If you are using an egg donor, selection of an egg donor program is often tied to your fertility clinic selection.

What should I expect my overall program cost to be?

This will vary depending on the choices the intended parent makes throughout the program (fertility clinic, surrogate match, medical insurance for the surrogate, etc.);

however, for intended parents with a strict budget, asking the agency if and how it will help to make decisions that are in line with that budget is important. It is also important to confirm the cost estimate provided by the agency is fully-comprehensive (including estimated fertility clinic fees, U.S. legal fees, and insurance costs), so the intended parent has an accurate sense of the overall program cost.

What level of coordination can I expect from the agency at each step of the program?

You should ask who your main contact will be at each step of the process, how often you should expect contact from your agency coordinator (particularly after you match and during pregnancy, during which times contact should be at least weekly), and specific examples of how they coordinate the process for you (scheduling travel, scheduling surrogate's appointments, helping you stay connected to the pregnancy, etc.). The answers to these questions will help determine if they provide the level of support you prefer.



Escrowing of Your Funds & Financial Protections

Some agencies will handle all surrogate fee payments, expense reimbursements, and bill payments directly for you and your surrogate. This is generally ideal so that the agency is mediating these issues for you and ensuring all payments made are eligible under your contract.

Importantly, you then do not need to discuss these financial issues with the surrogate directly and can instead focus on experiencing the process and pregnancy together positively. However, if your agency is holding and managing your funds, there are two critical protections that should be in place.

The first is that the account that holds your surrogate's fees is a third party escrow agent that is not owned by the agency. The second is that your agency has gone through the steps and expense to obtain bond insurance, meaning that if the agency or any employee of the agency misappropriates your funds, there is an insurance policy in place to protect you.

Do you comply with any voluntary national guidelines?

Although there are no required guidelines for surrogacy agencies, there are many voluntary U.S. national guidelines that have been published. Your agency's awareness of these guidelines and voluntary compliance is a strong indicator of the quality of their management of your process. These could include guidelines specific to surrogacy and egg donor programs created by the American Society of Reproductive Medicine or Society of Assisted Reproductive Technology, and it could include the agency's registration with the Better Business Bureau.

One of the most active groups currently is the Society for Ethics in Egg Donation and Surrogacy (SEEDS), which is a group of professionals working together to create guidelines to advance the security and ethics of U.S. surrogacy, including promulgation of agency regulations.

What is the overall timeline?

For many intended parents, this is a critical question. Although it is important to know the estimated timeline to find a surrogate match and get to an embryo transfer, a short timeline typically should raise caution flags.

U.S. surrogacy is in incredibly high demand, and finding a qualified surrogate match who meets your specific criteria and is genuinely motivated for the correct reasons takes time. A short timeline to find a match generally means:

- 1) The level of surrogate qualification before matching is low, in which case the chance of future disqualification is higher;
- 2) The program cost is high, and can mean higher surrogate fees to attract more candidates who tend to be more financially-motivated or have higher insurance costs; or
- 3) The risks related to newborn insurance or the legal process are higher.

You should certainly confirm the estimated timelines and that each step of the process is completely transparent, especially the waiting period and matching process.

However, you should consider this information in addition to the other questions herein to achieve a clear, comprehensive comparison.

Please email info@iarcsturrogacy.com to schedule a free comprehensive consultation.



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