



SURROGATE'S BILL OF RIGHTS

New York Family Court Act Article 5-C, Part 6

WHEREAS, the rights enumerated in this Bill of Rights shall apply to any person acting as surrogate under the laws of the State of New York, notwithstanding any surrogacy agreement, judgment of parentage, memorandum of understanding, verbal agreement or contact to the contrary; and

WHEREAS, except as otherwise provided by law, any written or verbal agreement purporting to waive or limit any of the rights in this Bill of Rights is void as against public policy; and

WHEREAS, the rights enumerated in this Bill of Rights are not exclusive, and are in addition to any other rights provided by law, regulation, or a surrogacy agreement that meets the requirements of Article 5-C of the New York State Family Court Act:

1. **Health and Welfare Decisions**: A person acting as surrogate has the right to make all health and welfare decisions regarding themselves and their pregnancy, including but not limited to whether to consent to a cesarean section or multiple embryo transfer, to utilize the services of a health care practitioner of their choosing, whether to terminate or continue the pregnancy, and whether to reduce or retain the number of fetuses or embryos they are carrying.
2. **Independent Legal Counsel**: A person acting as surrogate and the spouse of the person acting as surrogate, if applicable, has the right to be represented from the initiation of the contractual process and throughout the duration of the surrogacy agreement by independent legal counsel of their own choosing who is licensed to practice law in the state of New York, to be paid for by the intended parent or parents.



3. Health Insurance and Medical Costs: A person acting as surrogate has the right to have comprehensive health insurance coverage that covers preconception medical expenses and medical expenses associated with the pregnancy, for a period that extends throughout the duration of the expected pregnancy and for twelve months after the birth of the child, a stillbirth, a miscarriage resulting in termination of pregnancy, or termination of the pregnancy, to be paid for by the intended parent or parents. In addition, a person acting as a surrogate shall have the right to have the intended parent or parents pay for all of their medical expenses incurred in connection with the surrogacy agreement continuing through the duration of the expected pregnancy and for twelve months after the birth of the child, a stillbirth, a miscarriage resulting in termination of pregnancy, or the termination of the pregnancy. A person acting as a surrogate who is receiving no compensation may waive the right to have the intended parent or parents make such payments or reimbursements.
4. Counseling: A person acting as surrogate has the right to mental health counseling to address issues resulting from their participation in the surrogacy agreement, which shall be paid for by an insurance policy or by the intended parent or parents.
5. Life Insurance Policy: A person acting as surrogate has the right to be provided a life insurance, contractual liability or accidental death insurance policy that takes effect prior to taking any medication or commencement of treatment to further embryo transfer, provides a minimum benefit of \$750,000, or the maximum amount the person acting as surrogate qualifies for if less than \$750,000, and such coverage shall extend throughout the duration of the expected pregnancy and for twelve months after the birth of the child, a stillbirth, a miscarriage resulting in termination of pregnancy, or termination of the pregnancy, with a beneficiary or beneficiaries of the person acting as surrogate's choosing, to be paid for by the intended parent or parents.
6. Termination of Surrogacy Agreement: A person acting as surrogate has the right to terminate a surrogacy agreement prior to becoming pregnant by means of assisted reproduction pursuant to section 581-405 of Article 5-C of the Family Court Act.