

# Surrogacy 101

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A Guide to Surrogacy for  
Intended Parents



Village  
Law Group

# Advice for Intended Parents on Day 1

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OK, Intended Parents, here we go.

First, I'm going to meet you exactly where you are, and for everyone, that place is different.

Maybe you've known since you were young that this day would come and that you'd have to trust another person to carry the most important thing in the world to you. Maybe your doctor told you yesterday that the last embryo transfer didn't work. That your uterus is "inhospitable." That there was no heartbeat. Maybe you're two men who are ready to be parents, full of wonder, awe, curiosity, optimism, and stress about what lies ahead: the egg donor, the IVF cycle, the gestational carrier, and everything that follows.

Maybe you're full of hope. Maybe you're full of grief. Maybe it changes by the minute. Wherever you are right now is OK. You are taking the right steps. You are doing the right things. You've got this.

A surrogacy journey is long and complex. It is also a journey that, hopefully, ends with a beginning.

Here's something important: after you navigate all the logistics, medical decisions, contracts, and waiting... you still have to raise this baby. That means right now matters. Keeping your hope and energy up, and your stress and anxiety managed, isn't just about surviving the process. It's about being physically and emotionally available when your baby arrives.

This guide is will help demystify the process and introduce you to the fundamentals of surrogacy as you begin. Alongside this guide, I strongly encourage you to start building your village. You will need encouragement and support. Make a list of the people who will support you. Decide how you will protect your energy. Commit to taking care of yourselves as intentionally as you are preparing to care for this baby.

Here's the truth: Everything you need to get through this journey is exactly what you'll need to raise your child. Hope. Love. Support. Clarity. Guidance.

And finally, because I'm a lawyer and I have to say this: this guide is not intended to provide, and is not a substitute for medical, psychological, or legal advice from qualified professionals.

OK. Disclaimer done. You've got this.  
Let's begin.

*Jennifer S. Tharrington, Esq.*

# What is surrogacy?

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**Gestational surrogacy** occurs when a woman carries an embryo to which she is not genetically related on behalf of another individual or couple, who intend to be the child's legal parent(s).

By contrast, **traditional surrogacy** involves a woman carrying a pregnancy using her own egg, typically with sperm from a donor or one of the intended parents. Traditional surrogacy is generally not recommended from a medical, psychological, or legal perspective and is rarely considered a viable option in modern family formation practice.

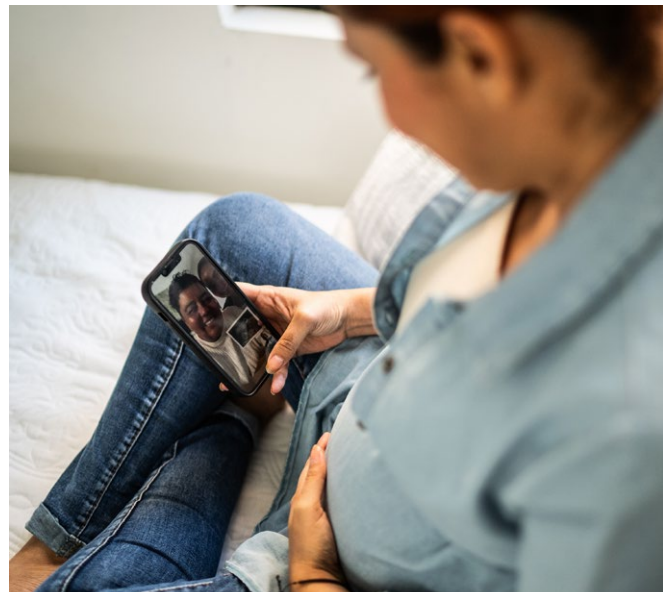
If you have someone in your life who is willing to help by serving as both an egg donor and a surrogate, it is strongly advisable to separate those roles. A person may serve as an egg donor or as a gestational surrogate, but not both. Engaging separate individuals for each role significantly reduces legal and emotional complexity and better protects everyone involved.

## How does gestational surrogacy work?

The intended parent(s) find a gestational surrogate match either through an agency or on their own (which is called an “independent journey”).

Embryos are created at a fertility clinic using either donor eggs or the eggs of an intended parent and either donor sperm or the sperm of an intended parent (or both intended parents).

The embryos are then implanted into the surrogate's uterus for her to carry the pregnancy on behalf of the intended parent(s).



This is all done under the careful supervision of a physician. There will also be a reproductive psychologist and two lawyers involved as well.

# What should I look for in a Gestational Carrier?

At least 18 years of age (many agencies and states require a minimum age of 21).	<input type="checkbox"/>
Married, or in a stable, supportive committed relationship, with a partner who fully supports her decision to serve as a surrogate. If unpartnered, then a person who has a strong local support system.	<input type="checkbox"/>
Has given birth to, and is actively raising, at least one child of her own.	<input type="checkbox"/>
In good physical and mental health and has had at least one healthy, uncomplicated birth.	<input type="checkbox"/>
Within the body mass index (BMI) parameters established by the fertility clinic (typically a maximum BMI of approximately 30–35, though this varies by clinic).	<input type="checkbox"/>
Not currently taking psychotropic medications (such as antidepressants or anti-anxiety medications), with most clinics requiring that such medications be discontinued for at least six months prior to psychological screening.	<input type="checkbox"/>
Comfortable with the intended parents' family structure and sexual orientation.	<input type="checkbox"/>
Has health insurance, or is able to obtain appropriate coverage, and has reliable access to quality healthcare.	<input type="checkbox"/>
Holds compatible views with the intended parent(s) regarding abortion and resides in a state where reproductive healthcare is accessible (or is willing to travel if necessary).	<input type="checkbox"/>
Is financially stable and not dependent on public assistance.	<input type="checkbox"/>

# What Goes in a Gestational Surrogacy Agreement (GSA)?

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A Gestational Surrogacy Agreement is a comprehensive legal contract that governs every phase of the surrogacy process. It defines the rights and responsibilities of each party before, during, and after the pregnancy.

A well-drafted agreement does more than allocate legal rights, it reduces uncertainty, minimizes awkward or difficult conversations, and provides a clear framework for expectations throughout the relationship and long into the future.



## While each agreement is customized to the parties involved, topics typically include:

### **Parental Rights:**

Confirmation of the intent that the intended parents' have all parental rights and responsibilities and the carrier (and her spouse, if applicable) have no parental rights or responsibilities.

### **Embryo Creation and Transfer:**

How embryos will be created, screened, stored, and the conditions under which they will be transferred.

### **Pregnancy Conduct:**

Agreed-upon expectations regarding medical care, lifestyle choices, and compliance with physician recommendations.

### **Abortion and Selective Reduction:**

How decisions will be handled in the event of medical complications or multiple pregnancy.

### **Medical Decision-Making Authority:**

Allocation of decision-making rights in various medical scenarios.

### **Delivery Logistics:**

Location of birth, hospital arrangements, and presence of intended parents at delivery.

### **Access to Medical Information:**

Availability and sharing of relevant medical information about the carrier (and spouse, if applicable).

### **Participation During Pregnancy:**

Expectations regarding attendance at appointments and communication during the pregnancy.

### **Contingency Planning:**

Provisions addressing death, incapacity, or divorce of any party.

### **Compensation and Expenses:**

Detailed outline of base compensation, stipends, and reimbursement of pregnancy-related expenses.

### **Future Contact:**

Expectations regarding communication and relationship after birth.

### **Confidentiality:**

Protection of private medical and personal information.

# How Does the Compensation Structure Work?

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It is important to understand that the buying or selling of parental rights, biological material, or children is illegal under both federal and state law. A properly drafted gestational surrogacy agreement makes clear that none of those things are occurring.

Instead, the agreement provides that the gestational carrier is compensated for the time, effort, discomfort, and risks associated with pregnancy, and reimbursed for pregnancy-related expenses.

Most gestational carriers receive a “base compensation” amount, typically in the range of approximately \$40,000–\$65,000 (though this varies by experience, geography, and agency). Base compensation is generally paid in monthly installments beginning upon confirmation of pregnancy by fetal heartbeat.

In addition to base compensation, the agreement typically provides for additional stipends and reimbursements, such as payments related to medical procedures, maternity clothing, lost wages, travel, invasive testing, multiples pregnancy, and other pregnancy-related contingencies.



Many agencies publish sample “compensation packages” online, which can provide a general sense of the overall structure. However, each arrangement is individualized and negotiated based on the circumstances of the match.

# What Role Does an Escrow Agent Play?

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In most surrogacy arrangements, an independent escrow agent is engaged to protect all parties. The escrow company holds the intended parents' funds in a segregated trust account and disburses payments to the carrier in accordance with the terms of the gestational surrogacy agreement. This structure serves several important purposes:

- It provides assurance to the carrier that the intended parents are financially prepared for the process.
- It protects the intended parents by ensuring payments are made only as contractually required.
- It removes much of the potential awkwardness around money from the evolving relationship between the parties.





# How Much Will a Surrogacy Journey Cost?

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It's helpful to think about the cost of a surrogacy journey in terms of **five major categories**. Your total investment will be the sum of these components.

## 1. Medical Costs

This includes fertility clinic fees for creating embryos, genetic testing, medical and psychological screening of the gestational carrier, and any donor-related expenses if egg or sperm donation is involved. Costs vary depending on your clinic and the complexity of your medical situation.

## 2. Agency Fees

If you work with a surrogacy agency to identify and match with a gestational carrier, you will pay a program fee for those services. Agency fees differ widely and may or may not include items such as escrow management or certain legal services, so it is important to understand what is included when comparing programs.

### 3. Health Insurance and Maternity Care

If the gestational carrier's existing health insurance does not cover surrogacy-related care, replacement or supplemental coverage may be required. Insurance review is an important early step in the process.

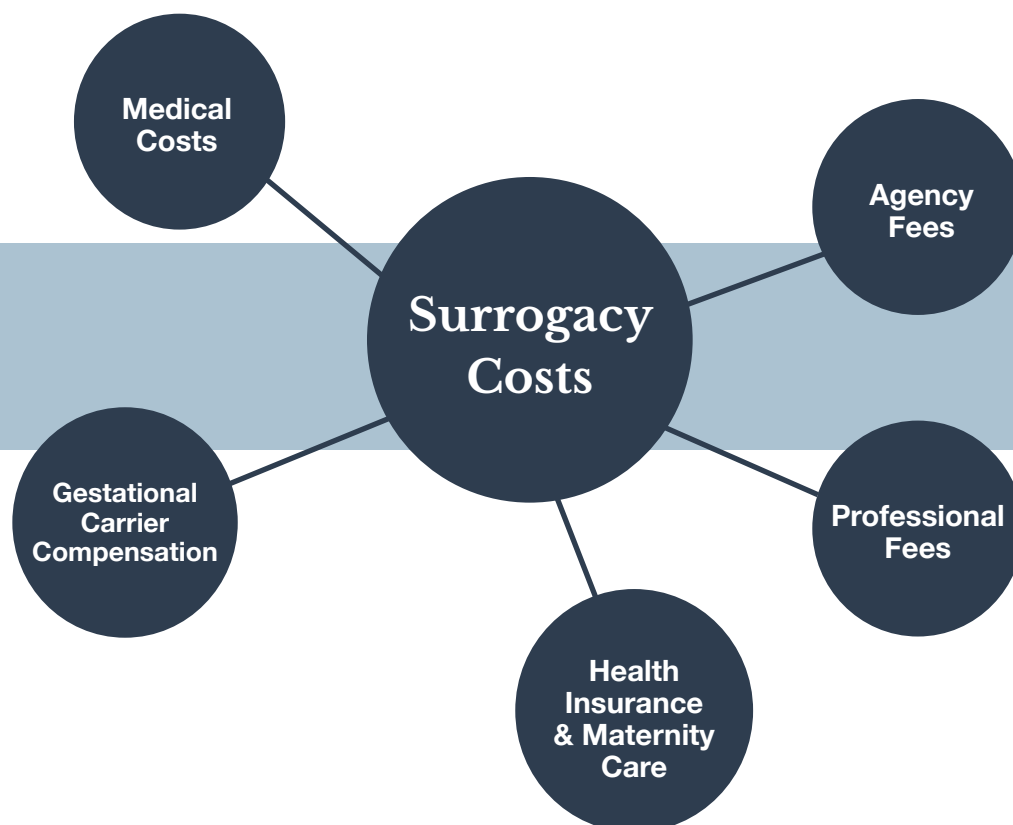
### 4. Gestational Carrier Compensation

This includes the carrier's "base compensation" (a larger amount paid out monthly from confirmation of pregnancy until delivery) as well as reimbursement for pregnancy-related expenses and other stipends. These payments are structured to ensure the carrier does not experience financial hardship as a result of the pregnancy.

### 5. Professional Fees

This category includes legal representation for both the intended parents and the gestational carrier, court filings for the parentage order, and escrow management services.

Every journey is unique, and the total cost depends on factors such as medical needs, geography, insurance coverage, and the structure of the match. While surrogacy represents a significant financial commitment, breaking it into clear categories makes it far more manageable.



# What Should I Consider When Matching with a Surrogate?

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Choosing the right match is one of the most important decisions in your surrogacy journey. Here are key factors to consider:

## **Health History**

Ensure your prospective surrogate meets baseline medical criteria and has a history of full-term, uncomplicated pregnancies. Fertility clinics typically exclude candidates who have experienced significant pregnancy complications (such as preeclampsia), have a Body Mass Index outside clinic parameters, have delivered prematurely, or have had multiple prior deliveries or cesarean sections beyond clinic guidelines. If a prospective carrier has delivered four or more children and/or has had two or more C-sections, consult your reproductive endocrinologist before moving forward.



## **Health Insurance**

Health insurance coverage can significantly impact the overall cost of your journey. If your carrier does not have insurance, or if her policy excludes surrogacy, you may need to secure a replacement policy, which can add substantial expense.

Before committing to a match, have the carrier's policy professionally reviewed to confirm whether surrogacy is covered.

## **Values and Compatibility**

Alignment on major issues is critical. You should be on the same page regarding termination, expectations around communication during pregnancy, the nature of the relationship during and after birth, and the overall compensation structure. Clear agreement on these topics reduces stress and prevents misunderstandings later.

## **Geography**

Location affects involvement. Some intended parents want to attend every appointment; others prefer more physical distance. Consider how involved you want to be during the pregnancy, the travel logistics for embryo transfer and delivery, and the possibility that you may need to remain in the carrier's state for a period after birth to complete legal or administrative steps. Proximity can shape both your emotional experience and your logistical planning.

## **Your Instincts**

This is a long and deeply personal journey. You and your surrogate should feel comfortable with each other at a fundamental level. If something feels "off," pause and explore it. Do not override your intuition for the sake of convenience or speed.

Be honest with yourself about the type of relationship you envision. Do you see it as warm and ongoing? Friendly but structured? Primarily transactional and business-oriented? There is no single correct model, but expectations must be shared and explicit.

Matching can feel overwhelming, especially if you are already navigating grief, uncertainty, or the emotional weight of infertility or delayed parenthood. It is normal to second-guess yourself. It is normal to feel pressure to "get it right." Take your time. Ask questions. Seek input from your professionals. A thoughtful, aligned match lays the groundwork for a healthier journey for everyone involved.

# What Do All the Acronyms Mean?

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## **IVF (In Vitro Fertilization)**

The process of combining eggs and sperm in a laboratory to create an embryo, which is then transferred into a woman's uterus.

## **IUI (Intrauterine Insemination)**

The placement of sperm directly into a woman's uterus during ovulation. This procedure is performed by a physician and should not be attempted at home.

## **ICI (Intracervical Insemination)**

The placement of sperm directly into a woman's cervix or reproductive tract to improve the chances of pregnancy. This can sometimes be done at home (often informally referred to as the "turkey baster method").

## **RE (Reproductive Endocrinologist)**

A physician who specializes in fertility treatment and reproductive medicine

## **GC (Gestational Carrier)**

Also called a gestational surrogate or surrogate. This is the woman who carries a child for another individual or couple who intend to raise the child. A gestational carrier is not genetically related to the child she carries.

## **GSA (Gestational Surrogacy Agreement)**

Also referred to as a GCA (Gestational Carrier Agreement). This is the legal contract that outlines the rights, responsibilities, and compensation of the parties involved in a gestational carrier arrangement. This process takes place after the surrogate has obtained medical and psychological clearance.

## **IP (Intended Parents)**

The individual(s) who intend to raise the child. One or both may or may not be genetically related to the child.

## **PBO (Pre-Birth Order)**

A court order establishing the Intended Parents as the legal parents before the child is born and directing that their names (rather than the gestational carrier and her spouse, if applicable) appear on the birth certificate. The process, availability, and cost of obtaining a PBO vary by state. It is critical to consult with an experienced Assisted Reproductive Technology (ART) attorney in the state where the birth is expected to occur.



# Where Do I Go from Here?

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This is meant to be an introduction, not a handbook, so I'll leave you with this:

## **1. Identify the “general contractor.”**

If building your family is like building a house, you need someone coordinating all the moving parts. Conveniently, the acronym for general contractor is also “GC.”

In surrogacy, the general contractor is usually the agency (if you're working with one). If you're not, it may be your ART attorney, someone at your fertility clinic or you.

DIY surrogacy is possible, but it requires strong professional guidance. Don't hesitate to ask for help. This is not a journey meant to be navigated alone.

## **2. Expect your professionals to show up for you.**

Push the people in your village to break information down into bite-sized pieces. Ask questions and ask them again if you need to.

Most people know nothing about surrogacy, until suddenly they need to know everything. The right professionals will embody the three Cs: **Competent. Communicative. Compassionate.**

### **3. Engage in daily self-care.**

This process can take time. Protect your mental health like it's part of the winning strategy because it is.

### **4. Take breaks when you need them.**

Stepping back doesn't mean giving up, it means preserving your stamina.

### **5. Don't be afraid to cry.**

And don't be afraid to hope, either.

**You've just graduated from Surrogacy 101.** Congratulations on taking this step.

If there's a place for me in your village, I would be honored to help you grow your family. You can reach me at [jennifer@villagelawgroup.com](mailto:jennifer@villagelawgroup.com).

And if we never meet, know this: you are exactly where you need to be. You are fighting for your baby before they're even here. That already makes you an extraordinary parent.

You've got this.





# About Village Law Group

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Sometimes it  
takes a Village

# Values

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1

## **Community**

We believe in the strength of the village—supporting one another through life's changes.

2

## **Inclusivity & Diversity**

Everyone is welcome, respected, and valued.

3

## **Service**

It is our honor to guide clients with compassion and professionalism.

4

## **Client-Focused**

You define your goals; we advocate for them.

5

## **Trusted Support**

Experienced, responsive, legal help for all families.

# Services

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## Surrogacy Contracts

We draft comprehensive surrogacy agreements that ensure legal, medical, and financial clarity, protecting all parties and promoting a smooth journey from conception to birth.

## Egg, Sperm, & Embryo Donor Agreements

Our firm safeguards all parties by crafting donor agreements that clarify parental rights, medical disclosures, and future expectations—providing peace of mind throughout the process.

## Adoption

We support parents in completing confirmatory adoptions that safeguard their family's future with legal certainty, making the process clear, supportive, and affirming every step of the way.

## Parentage & Birth Certificates

We guide families through the delicate process of establishing legal parentage so the right names go on the birth certificate and parents can make vital decisions for their newborns.

## LGBTQ+ Family Building

Our team supports every path to parenthood for every intended parent, ensuring your family is protected, recognized, and honored every step of the way.

You define  
your family.  
We help  
protect it.



# Experience

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“Jennifer and her legal team provided us with expert legal advice, prompt email responses, and compassion as we navigated our unique journey towards parenthood. Highly recommend her services.”

- Amanda L.



“Five stars—An advocate, ally, and exceptional lawyer. Jennifer approached every step of this journey with compassion, clarity, and unwavering dedication. She not only made a complicated and emotional process feel manageable, but she also gave us peace of mind that our rights as parents were fully protected.”

- Lisa H.



“They made it as easy as possible and were extremely responsive.”

- Lori W.

# Meet Your Village

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Village Law Group is a trusted advocate for families, offering expertise in donor agreements, surrogacy, parentage, adoption, and birth certificates. They provide compassionate, clear guidance for all clients, and have the particular honor of supporting and advocating for LGBTQ+ families, helping protect every path to parenthood.



**Jennifer Tharrington**  
*Principal*

Founder Jennifer Tharrington is a trusted reproductive law attorney with more than 20 years of experience helping families build and protect what matters most to them. She previously served as Chair of the North Carolina Bar Association Family Law Section and regularly lectures at law and medical schools across the country. Jennifer is also one of only a few North Carolina Assisted Reproductive Technology Law Fellows of the prestigious Academy of Adoption and Assisted Reproductive Technology Attorneys (AAAA). She has been a tireless advocate for the LGBTQ community since prior to law school, and feels honored to help protect and support this community.



**Scott Drorbaugh**  
*Attorney*



**Amy Scoville**  
*Paralegal*



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*Operations*



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## Contact Us

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