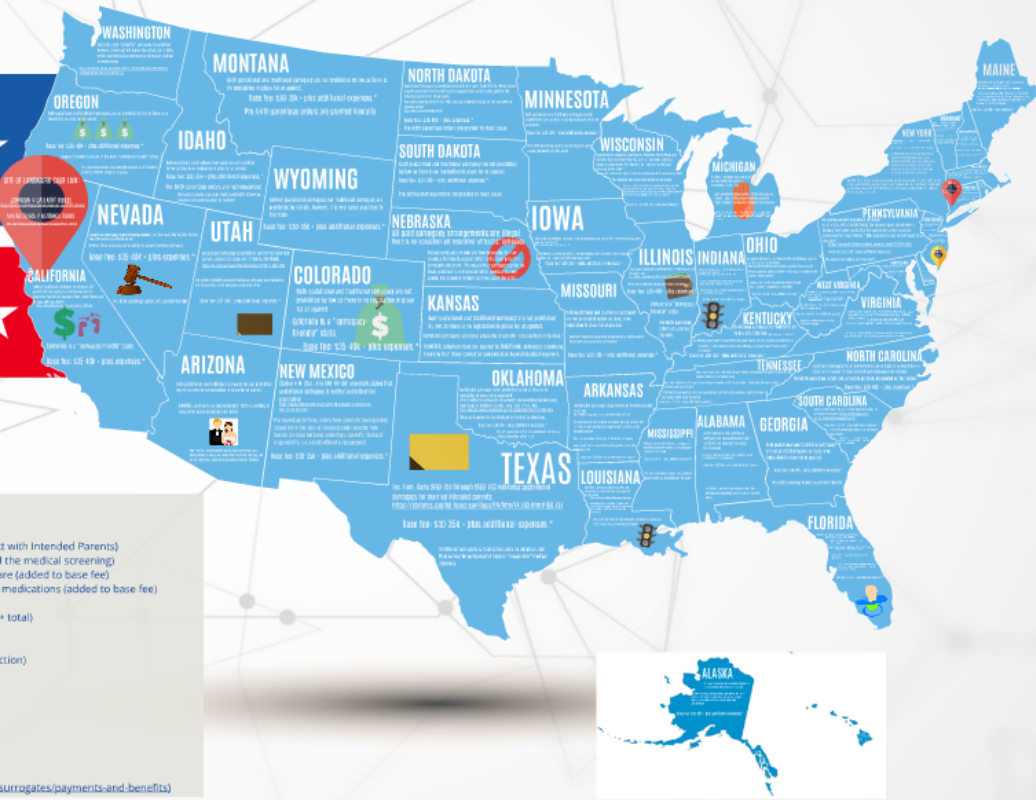


# ★ SURROGACY ★

## ★ laws by state ★



- Additional expenses include, but are not limited to:**
- \$500 Expedited Screening Bonus
  - \$250 Signing Fee (to be received after you sign your contract with Intended Parents)
  - \$500 Medical Screening Fee (to be received after you attend the medical screening)
  - Paid travel expenses to IVF clinics, plus lost wages or childcare (added to base fee)
  - \$200/mo for Miscellaneous expenses when you begin cycle medications (added to base fee)
  - \$750 per transfer (added to base fee)
  - Monthly Miscellaneous Fee: \$200/month (estimated \$3,000+ total)
  - Maternity clothing: \$500 | \$750 multiples
  - Housekeeping: \$400 (during last month of pregnancy)
  - Post-birth Recovery: \$1,200 (vaginal delivery) | \$2,400 (C-section)
  - \$250,000 Life Insurance Policy
- Possible extra fees may include, but are not limited to:**
- Pregnancy Termination: \$1,000
  - Selective Reduction: \$1,000
  - Invasive Procedure: \$500 (per procedure)
  - Doctor-Ordered Bedrest: \$5,000+
  - Reproductive Organ Loss: \$3,000
- Source: Circle Surrogacy (<https://www.circlesurrogacy.com/surrogates/payments-and-benefits>)



Only married, heterosexual couples can be granted a birth parentage order, and only if they use their own sperm. Otherwise, adoption proceedings must be followed.

### **Additional expenses include, but are not limited to:**

- \$500 Expedited Screening Bonus
- \$250 Signing Fee (to be received after you sign your contract with Intended Parents)
- \$500 Medical Screening Fee (to be received after you attend the medical screening)
- Paid travel expenses to IVF clinics, plus lost wages or childcare (added to base fee)
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  - Selective Reduction: \$1,000
  - Invasive Procedure: \$500 (per procedure)
  - Doctor-Ordered Bedrest: \$5,400+
  - Reproductive Organ Loss: \$3,000
- Source: Circle Surrogacy (<https://www.circlesurrogacy.com/surrogates/payments-and-benefits>)

# SAS

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Pre-birth parentage

Case law indicates that the gestational mother is considered the “legal mother,” unless the intended parents use their own egg and sperm.

Traditional surrogacy is also not prohibited, but the birth mother cannot relinquish her rights until after the birth.  
Base fee: \$30-35k + plus additional expenses.\*

# SOUTH

Case law (M  
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B

# MISSISSIPPI

Both gestational and traditional surrogacy are not prohibited by law as there is no legislation in place for or against.

Base fee: \$30-35k + plus additional expenses.\*

Pre-birth parentage orders are granted in most situations, depending on the court.

# ALABAMA

Both traditional and gestational surrogacy are not prohibited by law as there is no legislation in place for or against.

Surrogacy is, however, exempt by statute from child-selling prohibitions and from adoption rules.

Base fee: \$30-35k + plus additional expenses.\*



To obtain a pre-birth parentage order, the intended parents must be married or in a civil union.

# GEORGIA

Both gestational and traditional surrogacy are not prohibited by law as there is no legislation in place for or against.

Base fee: \$30-35k + plus additional

Pre-birth parentage orders are granted

# FLO



# ALASKA

Both types of surrogacy are not prohibited by law as there is no legislation in place for or against.

The Court has granted one pre-parentage order before; to a married, heterosexual couple. There is uncertainty about whether such orders would be granted under other circumstances.

Base fee: \$30-35k + plus additional expenses.\*



HAWAII

Pre-birth parentage orders are granted liberally

Base fee: \$30-35k + plus additional expenses.\*

prohibited by law as there is no legislation for or against.

Colorado is a "surrogacy-friendly" state.

Base fee: \$35-40k + plus

cy-friendly" state.

+ plus expenses.\*

# ARIZONA

Both gestational and traditional surrogacy are not prohibited by law as there is no legislation in place for or against.

HOWEVER, contracts are unenforceable: there is nothing to stop either party changing their mind.



Only married, heterosexual couples can be granted a pre-birth parentage order, and only if they use their own egg and sperm. Otherwise, adoption proceedings must be followed.



# NEW MEXICO

Statute N.M. Stat. Ann. §40-11A-801 expressly states gestational surrogacy is neither permitted nor prohibited.

<https://codes.findlaw.com/nm/chapter-40-domestic-affairs/nm-st-sect-40-11a-801.html>

Pre-parentage birthing orders have generally been granted except for in the case of intended single parents. New Mexico law does not favor annulling a parent's financial responsibility for a child without a replacement.

Base fee: \$30-35k + plus additional expenses

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# OMAHA

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# KANSAS

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Base fee: \$30-35k + plus additional expenses.\*

# ARKANSAS

Gestational surrogacy is permitted by Arkansas Code  
9-10-201.  
<ftp://www.arkleg.state.ar.us/acts/1989/Public/647.pdf>

The gestational mother must be named initially on the birth  
certificate; but can later be replaced by the name of the  
intended mother.

There are no statutes for or against traditional surrogacy.

Only a genetically-related parent can be granted a pre-birth  
parentage order.

Base fee: \$30-35k + plus additional expenses.\*

# LOUISIANA

Traditional surrogacy contracts are void and

gestational.  
Base fee: \$30-35k

Tenn. Code Ann. §36  
neither allows nor p

Case law indicates that the gestational mother is com  
use their own egg and sperm.

Traditional surrogacy is also not prohibited, b  
her rights until after the birth.  
Base fee: \$30-35k + plus additional expenses.\*

# MISSISSIPPI

Both gestational and traditional surrogacy are  
not prohibited by law as there is no legislation  
in place for or against.

Base fee: \$30-35k + plus additional expenses.\*

Pre-birth parentage orders are granted in  
most situations, depending on the court.

# ALABAMA

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Base fee: \$30

# Agency



# State



## OREGON

Both gestational and traditional surrogacy are not prohibited by law as there is no legislation in place for or against.



Base fee: \$35-40k + plus additional expenses.\*

Oregon is known to be one of the most "surrogacy-friendly" states.

Pre-parentage orders are generally granted to all intended parents, whether single or a couple.

### SITE OF LANDMARK CASE LAW:

**JOHNSON V CALLAERT (1993),**  
<https://law.justia.com/cases/california/supreme-court/4th/5/84.html>

**AND BAZZUNCA V BAZZUNCA (1998)**

<https://dm.usdoj.com/cases/california/court-of-appeal/4th/01/1410.html>

## CALIFORNIA

Laws on traditional surrogacy are unclear; but gestational surrogacy is formally legalized by California Family Law Sections 7960 - 7962 (2013) and by case law (see above).  
[https://codes.findlaw.com/ca/famil/codoflawssect\\_7960.html](https://codes.findlaw.com/ca/famil/codoflawssect_7960.html)



California is a "surrogacy-friendly" state.

Base fee: \$35-40k + plus expenses.\*

## IDAHO

Both gestational and traditional surrogacy are not prohibited by law as there is no legislation in place for or against.

Base fee: \$30-35k + plus additional expenses.\*

Pre-birth parentage orders are not recognized.

Biological parents can claim rights post-birth. Otherwise, adoption proceedings must be followed.

## NEVADA

Gestational surrogacy is permitted by statute: Nev. Rev. Stat. NRS 126.500-126.810.  
[https://www.leg.state.nv.us/nrs/nrs\\_126.html](https://www.leg.state.nv.us/nrs/nrs_126.html)

However, there is no case law or statute to support traditional surrogacy.

Base fee: \$35-40k + plus expenses.\*



Pre-birth parentage orders are granted liberally

## UTAH

Gestational surrogacy is permitted for married intended parents under Utah Code Ann. § 78B-15-801 (2008).

<https://le.utah.gov/xcode/Title78B/Chapter15/78B-15-801.html>

The statute explicitly excludes traditional surrogacy from validation, but the practice is not expressly prohibited either.

Base fee: \$30-35k + plus additional expenses.\*



## ARIZONA

Both gestational and traditional surrogacy are not prohibited by law as there is no legislation in place for or against.

HOWEVER, contracts are unenforceable: there is nothing to stop either party changing their mind.



Only married, heterosexual couples can be granted a pre-birth parentage order, and only if they use their own egg and sperm. Otherwise, adoption proceedings must be followed.

Base fee: \$30-35k + plus add

Pre-birth parentage orders are

## WYOMING

Neither gestational surrogacy prohibited by statute, however this state.

Base fee: \$30-35k + plus

## COLORADO

Both gestational prohibited by for or against

Colorado is "surrogacy-friendly" state

Base fee

## NEW MEXICO

Statute N.M. Stat. Ann. § 40-11a-801 gestational surrogacy is prohibited.

<https://codes.findlaw.com/nm/chapter40-11a-801.html>

Pre-parentage birthing order except for in the case of international Mexico law does not favor a responsibility for a child with

Base fee: \$30-35k + plus

prohibited by statute, however, it is very rarely practiced in this state.

Base fee: \$30-35k + plus additional expenses.\*

d for married intended  
8B-15-801 (2008).

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rogacy from validation,  
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onal expenses.\*



# COLORADO

Both gestational and traditional surrogacy are not prohibited by law as there is no legislation in place for or against.

Colorado is a "surrogacy-friendly" state.

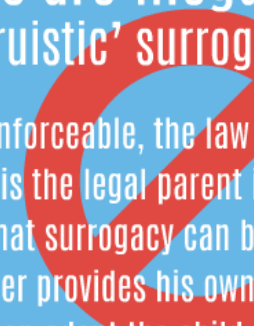
Base fee: \$35-40k + plus expenses.\*



# NEBRASKA

All paid surrogacy arrangements are illegal. There is no legislation yet regarding 'altruistic' surrogacy.

Though contracts are void and unenforceable, the law provides that the biological father is the legal parent in surrogacy situations. This means that surrogacy can be factually practiced if an Intended Father provides his own sperm. The intended mother can then adopt the child.



# KANSAS

Both gestational and traditional surrogacy are prohibited by law as there is no legislation in place for or against.

GESTATIONAL surrogates can expect a base fee of \$30-35k.

HOWEVER, adoption rules are applied to TRADITIONAL surrogacy, meaning that these cannot be compensated beyond the cost of the surrogacy.

# NEW MEXICO

Statute N.M. Stat. Ann. §40-11A-801 expressly states that gestational surrogacy is neither permitted nor prohibited.

t prohibited  
ainst.

# OKLAHOMA

Gestational surrogacy is not prohibited by law as there is no legislation in place for or against it. Paid traditional surrogacy agreements are prohibited.



Base fee: \$30-35k + plus additional expenses.\*

site of

Raftopol v. Ramey, 12A.3d783 (2011)

Which ruled that birth certificates should reflect the names of the intended parents with a court parentage order, even if not biologically related.

# CONNECTICUT

Gestational surrogacy is legally permitted by

Conn. Gen. Stat. §7-48a

<https://law.justia.com/codes/connecticut/2012/title-7/chapter-93/section-7-48a>

Base fee: \$30-35k + plus additional expenses.\*

There are no legislative prohibitions on traditional surrogacy, but pre-birth parentage orders cannot be obtained in these situations.

## RHODE ISLAND

Gestational surrogacy is not prohibited by law as there is no legislation in place for or against.

Base fee: \$30-35k + plus additional expenses.

The rules on traditional surrogacy are unclear, with no indication that paid contracts in this state are enforceable.

Traditional surrogates are unable to receive pre-birth parentage orders.

Pre-birth parentage orders in gestational surrogacy are available.



Rules on Traditional surrogacy are unclear.

Gestational surrogacy is legal under the statute Delaware Code 13, § 8-801 through § 8-810.

<http://delcode.delaware.gov/title13/c008/sc08/index.shtml>

Base fee: \$30-35k + plus additional expenses.\*

Pre-birth parentage orders can be obtained in most situations but are not enforceable until birth.

# DELAWARE

# D.C.

Gestational Surrogacy is permitted by DC Law 21-0255.  
<https://code.dccouncil.us/dc/council/code/titles/16/chapters/4/>

Traditional Surrogacy is also permitted by the same statute.

Pre-birth parentage orders are widely available, but not enforceable until birth.

The court's order of parentage shall not be issued in a Traditional Surrogacy case for at least 48 hours after the birth of the child.

# FLORIDA

Traditional Surrogacy is permitted by Ch. 63.213 FL Stat.

[http://www.flsenate.gov/Laws/Statutes/2014/63\\_213](http://www.flsenate.gov/Laws/Statutes/2014/63_213)

However, a traditional surrogate's consent can be revoked up to 48 hours after the birth.

Gestational Surrogacy is permitted by Ch. 742.15 FL Stat.

[http://www.flsenate.gov/Laws/Statutes/2014/742\\_15](http://www.flsenate.gov/Laws/Statutes/2014/742_15)

Under this statute, only married couples may apply for parental status.

However, non-married couples can still participate, either by filing only for maternity or paternity status, or by engaging in a pre-planned adoption.

Base fee: \$30-35k + plus additional expenses.\*



“legal mother,” unless the intended parents

birth mother cannot relinquish

Base fee: \$35-40k + plus expenses.\*

# SOUTH CAROLINA

Case law (Mid-South Ins. Co. v. Doe) implicitly validates gestational surrogacy. <https://www.leagle.com/decision/20031031274fsupp2d7571971>

Base fee: \$30-35k + plus additional expenses.\*  
Pre-birth parentage orders are granted in most cases.

Traditional surrogacy, however, must be treated as adoption and therefore be “uncompensated” outside of “reasonable expenses.”

# GEORGIA

Both gestational and traditional surrogacy are not prohibited by law as there is no legislation in place for or against.

Base fee: \$30-35k + plus additional expenses.\*

Pre-birth parentage orders are granted liberally.

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parentage order, the  
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# FLORIDA

# HAWAII

Both gestational and traditional surrogacy are not prohibited by law as there is no legislation in place for or against.

**No pre-birth parentage orders are granted whatsoever.**

Intended parents who are not biologically-related to the child must follow adoption proceedings.

Base fee: \$30-35k + plus additional expenses.\*

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Pre-birth parentage or

# IDAHO

Both gestational and traditional surrogacy are not prohibited by law as there is no legislation in place for or against.

Base fee: \$30-35k + plus additional expenses.\*

Pre-birth parentage orders are not recognized.

Biological parents can claim rights post-birth. Otherwise, adoption proceedings must be followed.

# WYOMING

Neither gestational nor traditional surrogacy is prohibited by statute in this state.

mitted by Iowa Code Section §710.11 and Iowa Administrative

legal mother until after birth. Only a biological  
age order.

plus additional expenses.\*

# MISSOURI

gestational and traditional surrogacy  
prohibited by law as there is no  
order in place for or against.

, extensive legislative prohibitions on child-selling  
now surrogacy to be prosecuted.

# ILLINOIS

Gestational surrogacy is permitted by the 2005 Gestational  
Surrogacy Act.

<http://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=2613&ChapterID=59>

Rules on traditional surrogacy remain unclear.

Base fee: \$35-40k + plus expenses.\*

Illinois is a "surrogacy-  
friendly" state.

Pre-birth parentage  
orders are granted  
liberally.



# INDIANA

Under Indiana Code §31-20-1-1 (p.421), Surrogacy contracts  
are VOID AND UNENFORCEABLE.  
<https://iga.in.gov/legislative/laws/2014/ic/titles/031/>

However, some people still practice surrogacy and some  
courts still grant pre-birth parentage orders.

Though the agreement is not guaranteed, surrogates can  
earn substantial sums of money.

Base fee: \$30-35k + plus additional expenses



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Gestational surrogacy is permitted because

It is illegal to be compensated for facilitating  
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# A

are permitted by Iowa Code Section §710.11 and Iowa Administrative

is the legal mother until after birth. Only a biological parentage order.

5k + plus additional expenses.\*

# MISSOURI

h gestational and traditional surrogacy not prohibited by law as there is no legislation in place for or against.

NEVER, extensive legislative prohibitions on child-selling may allow surrogacy to be prosecuted.

se fee: \$30-35k + plus additional expenses.\*

Base fee: \$30-35k + plus additional expenses \*

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Gestational surrogacy is permitted by the 2005 Gestational Surrogacy Act.

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Base fee: \$35-40k + plus expenses.\*

Illinois is a "surrogacy-friendly" state.

Pre-birth parentage orders are granted liberally.

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<https://iga.in.gov/legislative/laws/2014/ic/titles/031/>

However, some people still practice surrogacy and some courts still grant pre-birth parentage orders.

Though the agreement is not guaranteed, surrogates can still earn substantial sums of money.

Base fee: \$30-35k + plus additional expenses.\*



criminal, except if the money is limited to medical reimbursements and expenses related to the pregnancy.

Courts will grant a pre-birth parentage order only upon the filing of a consent motion, and only if at least one of the Intended Parents has a genetic tie to the child, the Intended Parents are married, and the Intended Parents and the Gestational Carrier each have independent legal representation.

# OHIO

Gestational Surrogacy is permitted in Ohio by published case law J.F. v. D.B., 879N.E.2d740 (2007).

<https://law.justia.com/cases/ohio/supreme-court-of-ohio/2007/2007-ohio-6750.html>

The case does not address traditional surrogacy, so rules on this practice remain unclear.

Courts grant pre-birth parentage orders in most circumstances, depending on the judge.

Base fee: \$30-35k + plus additional expenses.\*

# KENTUCKY

Traditional surrogacy is PROHIBITED by Ky.Rev.Stat.§199.590. <http://www.lrc.ky.gov/statutes/statute.aspx?id=7197>

Gestational surrogacy is permitted because there are no statutes prohibiting it.

It is illegal to be compensated for facilitating a surrogacy agreement, even if gestational.

Base fee: \$30-35k + plus additional expenses.\*

# TENNESSEE

Tenn. Code Ann. §36-1-102 (50) simply defines gestational surrogacy contracts, but neither allows nor prohibits them.

Gestational surrogacy is permitted in Tennessee by published case law J.F. v. D.B., 879N.E.2d740 (2007). <https://law.justia.com/cases/ohio/supreme-court-of-ohio/2007/2007-ohio-6750.html>

Pre-birth parentage orders are granted liberally.

Base fee: \$30-35k + plus additional expenses.\*

No legislation currently in place for or against traditional surrogacy.

Gestational surrogacy is permitted in Tennessee by published case law J.F. v. D.B., 879N.E.2d740 (2007).

Pre-birth parentage orders are granted liberally.

# IOWA

Gestational and traditional surrogacy are permitted by Iowa Code Section §710.11 and Iowa Administrative Code Section 641-99.15.

<https://www.legis.iowa.gov/docs/code/710.11.pdf>

The woman carrying the child is the legal mother until after birth. Only a biological father can obtain a pre-birth parentage order.

**Base fee: \$30-35k + plus additional expenses.\***

Gestation  
Surrogacy  
<http://www.i>

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Base fee: \$

facto practiced if an Intended Father provides his own sperm. The intended mother can then adopt the child.

# KANSAS

Both gestational and traditional surrogacy are not prohibited by law as there is no legislation in place for or against.

GESTATIONAL surrogates can expect a base fee of \$30-35k + plus additional expenses.\*

HOWEVER, adoption rules are applied to TRADITIONAL surrogacy situations, meaning that these cannot be compensated beyond medical expenses.

# OKLAHOMA

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However, some people still practice surrogacy and some courts still grant pre-birth parentage orders.

Though the agreement is not guaranteed, surrogates can still earn substantial sums of money.

Base fee: \$30-35k + plus additional expenses.\*



Courts grant pre-birth parentage orders in most circumstances, depending on the judge.

Base fee: \$30-35k + plus additional expenses.\*

Gestational surro  
\$61-2-14h(e)(3).  
[http://www.wvlegislature  
amendments/HB4130%2](http://www.wvlegislature.gov/amendments/HB4130%2)

Pre-birth parentage order  
intended parent couples.

Base fee: \$30-35k + plus a

No legislation currently e  
traditional surrogacy.

# KENTUCKY

Traditional surrogacy is PROHIBITED by  
Ky.Rev.Stat.§199.590. <http://www.lrc.ky.gov/statutes/statute.aspx?id=7197>

Gestational surrogacy is permitted because there are no statutes prohibiting it.

It is illegal to be compensated for facilitating a surrogacy agreement, even if gestational.

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# TENNESSEE

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Pre-birth parentag

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Base fee: \$30-35k + plus additional expenses.\*

Base fee: \$30-35k + plus additional

# LOUISIANA

Pre-birth parentage orders are  
most situations, depending on

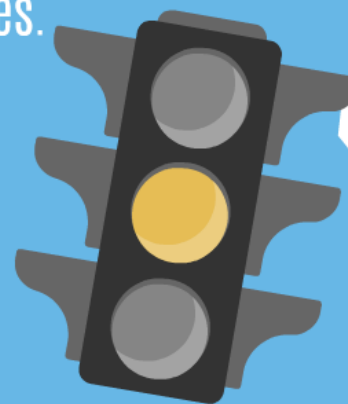
Traditional surrogacy contracts are void and unenforceable under Louisiana Surrogacy Bill HB 1102 [MM1].

<http://www.legis.la.gov/legis/ViewDocument.aspx?d=1011810>

Gestational surrogacy is permitted for heterosexual intended parents, using their own egg and sperm, under strict conditions - INCLUDING A BAN ON MONETARY COMPENSATION.

The surrogate may be compensated for medical, legal and travel expenses, as well as lost wages.

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# MAINE

Gestational surrogacy is permitted by the 2016 Maine Parentage Act, Title 19A, Chapter 61.

<https://legislature.maine.gov/lawlibrary/what-is-maines-parentage-act/9480>

Traditional surrogacy is permitted; but pre-birth parentage orders are only granted in this situation if the surrogate is a family member of the intended parents. Otherwise, the process is treated as an adoption.

Base fee: \$35-40k + plus expenses.\*

# MARYLAND

Traditional surrogacy was implicitly approved by the court in RE: Roberto d.B. (2003),  
it was decided that it was lawful to remove the gestational mother's name from  
the birth certificate.

<http://caselaw.findlaw.com/md-court-of-appeals/1287425.html>

The laws on traditional surrogacy remain very unclear.  
Generally, these situations are treated as adoptions,  
therefore placing a ban on monetary compensation  
beyond expenses.

Base fee: \$30-35k + plus additional expenses.\*

Rules on Tr

Gestational  
Code 13, §  
<http://>



# MASSACHUSETTS

Gestational surrogacy is permitted by case law {Hodas v. Morin (2004); Culliton v. Beth Israel Deaconess Med. Ctr.(2002); R.R. v. M.H. (1998).}

Contracts are permitted but not commonly enforced. The surrogate must wait 4 days before parental rights. The father of the intended parent couple must be biologically related to the child. Court proceedings must be followed.

Cost: \$30-35k + plus additional expenses.\*

f

RHODE ISLAND



# MICHIGAN

Traditional and gestational surrogacy are both PROHIBITED, unless the arrangement is ALTRUISTIC.

Contracts which include payment for the surrogate are criminal, except if the money is limited to medical reimbursements and expenses related to the pregnancy.

Courts will grant a pre-birth parentage order only upon the filing of a consent motion, and only if at least one of the Intended Parents has a genetic tie to the child, the Intended Parents are married, and the Intended Parents and the Gestational Carrier each have independent legal representation.

# MINNESOTA

Both gestational and traditional surrogacy are not prohibited by law as there is no legislation in place for or against.

Base fee: \$30-35k + plus additional expenses.\*

Pre-birth parentage orders are granted in some cases, depending on the court.

# WISCONSIN

Gestational Surrogacy is permitted in Wisconsin. Supreme Court decision Paternity of Fetus, 2015 WI 100, 358 Wis.2d 1, 930 N.W.2d 100 (2015), except in cases where it is found to be against the best interests of the child.”

<https://www.wicourts.gov/sc/opinion/Disp>

# MISSISSIPPI

Both gestational and traditional surrogacy are not prohibited by law as there is no legislation in place for or against.

Base fee: \$30-35k + plus additional expenses.\*

Pre-birth parentage orders are granted in most situations, depending on the court.

# ALABAMA

Both traditional and gestational surrogacy are not prohibited by law as there is no legislation in place for or against.

Surrogacy is, however, exempt from certain prohibitions and from adoption.

Base fee: \$30-35k +



To obtain a pre-bi

# MISSOURI

not prohibited  
against.

additional expenses.\*

rogacy situations,  
medical expenses.

Both gestational and traditional surrogacy are not prohibited by law as there is no legislation in place for or against.

HOWEVER, extensive legislative prohibitions on child-selling may allow surrogacy to be prosecuted.

Base fee: \$30-35k + plus additional expenses.\*

Surrogacy Act.  
<http://www.ilga.gov/legislation/ilcs/ilcs3.asp?Act>

Rules on traditional surrogacy rem

Base fee: \$35-40k + plu

Illinois is a  
"friendly" s

Pre-bir  
orders  
liberall

# LOUISIANA

# MONTANA

Both gestational and traditional surrogacy are not prohibited by law as there is no legislation in place for or against.

Base fee: \$30-35k + plus additional expenses.\*

Pre-birth parentage orders are granted liberally.

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# NEBRASKA

All paid surrogacy arrangements are illegal.  
There is no legislation yet regarding 'altruistic' surrogacy.

Though contracts are void and unenforceable, the law provides that the biological father is the legal parent in surrogacy situations. This means that surrogacy can be de-facto practiced if an Intended Father provides his own sperm. The intended mother can then adopt the child.

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a in place

# KANSAS

## MARK CASE LAW:

/ CALLAERT (1993),  
<https://california/supreme-court/4th/5/84.html>

A V BAZZUNCA (1998)

<https://california/court-of-appeal/4th/61/1410.html>

# CALIFORNIA

Laws on traditional surrogacy are unclear; but gestational surrogacy is formally legalized by California Family Law Sections 7960 - 7962 (2013) and by case law (see above).

<https://codes.findlaw.com/ca/family-code/fam-sect-7960.html>

parents, whether single or a couple.

# NEVADA

Gestational surrogacy is permitted by statute: Nev. Rev. Stat. NRS 126.500-126.810.  
<https://www.leg.state.nv.us/NRS/NRS-126.html>

However, there is no case law or statute to support traditional surrogacy.

Base fee: \$35-40k + plus expenses.\*



Pre-birth parentage orders are granted liberally

by law as there is no registration in place for or against.

Base fee: \$30-35k + plus additional expenses

Pre-birth parentage orders are not recognized

Biological parents can claim rights post-birth. Other adoption proceedings must be followed.

# UTAH

Gestational surrogacy is permitted for intended parents under Utah Code Ann. § 78B-6-201

<https://le.utah.gov/xcode/Title78B/Chapter6/201>

The statute explicitly excludes traditional surrogacy, but the practice is not expressly prohibited

Base fee: \$30-35k + plus additional expenses



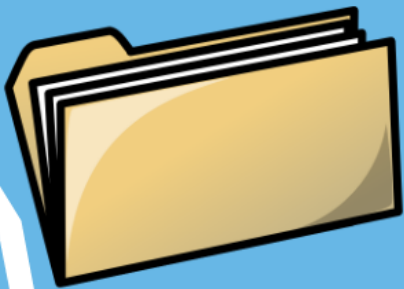
# VERMONT

Commercial surrogacy is permitted in Vermont  
under the Vermont Parentage Act of 2018.

<https://legislature.vermont.gov/assets/Documents/2018/Docs/2018-062/H-0562%20As%20passed%20by%20the%20Senate%20official.pdf>

Base fee: \$35-40k + plus expenses.\*

The law does not deal with traditional surrogacy,  
but it is treated as adoption and must be  
paid beyond reasonable medical expenses.



# NEW HAMPSHIRE

Gestational and traditional surrogacy  
are permitted by statute N.H.Rev.Stat.

Ann.168-B (2014), with restrictions.  
<http://gencourt.state.nh.us/legislation/2014/SB0353.html>

(e.g., the surrogate must be at least 21 years old, already have  
children, and be able to carry another child after this pregnancy.)

Base fee: \$35-40k + plus expenses.\*

Pre-birth parentage orders are granted liberally in situations of gestational surrogacy;  
they are not granted in traditional surrogacy situations.

# MASSACHUSETTS



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## NEW JERSEY

The New Jersey Gestational Carrier Agreement Act (2018) provides for enforceable gestational carrier agreements and pre-birth orders in NJ under certain conditions.

Base fee: \$35-40k + plus expenses.\*

Under case law, Traditional Surrogacy is permitted only if it is uncompensated and if there is no pre-birth agreement to surrender the child.

Traditional Surrogacy agreements are unenforceable. The Intended Parents must wait until after delivery to adopt the child.

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**BABY M RULING**  
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Base fee: \$35-40k + plus expenses.\*

# NEW MEXICO

Statute N.M. Stat. Ann. §40-11A-801 expressly states that gestational surrogacy is neither permitted nor prohibited.

<https://codes.findlaw.com/nm/chapter-40-domestic-affairs/nm-st-sect-40-11a-801.html>

Pre-parentage birthing orders have generally been granted, except for in the case of intended single parents. New Mexico law does not favor annulling a parent's financial responsibility for a child without a replacement.

Base fee: \$30-35k + plus additional expenses.\*



# NEW YORK

Compensated surrogacy contracts are illegal, and those in violation are subject to fines.

Altruistic contracts are unenforceable but not illegal.

A Gestational Carrier can receive only those payments and reimbursements that are allowed in New York adoptions (medical and hospital expenses directly related to the pregnancy and living expenses for 60 days before and 30 days after placement).

er has preferred parental status and cannot relinquish her rights until after the  
Pre-birth parentage orders are not granted, and only a genetically-related adult  
entage post-birth; otherwise (e.g., in the case of egg donation), full adoption  
must take place.

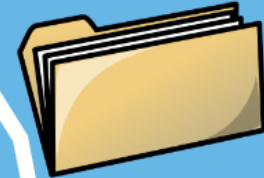
# VERMONT

Gestational surrogacy is permitted in Vermont under the Vermont Parentage Act of 2018.

<https://legislature.vermont.gov/assets/Documents/2018/Docs/BILLS/H-0562/H-0562%20AS%20passed%20by%20the%20House%20official.pdf>

Base fee: \$35-40k + plus expenses.\*

The Act does not deal with traditional surrogacy, thus it is treated as adoption and must be unpaid beyond reasonable medical expenses.



# NEW HAMPSHIRE

Gestational surrogacy contracts are permitted under the Vermont Parentage Act of 2018. Ann. 168-B:1-3

<http://encourt.s>

(e.g., the surrogate must be a resident of New Hampshire, have no children, and be able to care for a child.)

Base fee: \$30-35k + plus expenses

Pre-birth parentage orders are not granted in New Hampshire.

Gestational surrogacy is permitted in Vermont. Culliton v. B...

Traditional surrogacy contracts are permitted but not enforceable unless the surrogate relinquishes her parental rights. The father of the child, or else adoption proceedings must be followed.

Base fee: \$30-35k + plus expenses

## site of

Raftopol v. Ramey, 12A.3d783 (2011)

Which ruled that birth certificates should reflect the names of the intended parents with a court parentage order, even if not biologically related.

# CONNECTICUT

Gestational surrogacy is permitted in Connecticut. Conn. Gen. Stat. § 46b-39a

Base fee: \$30-35k + plus expenses

Base fee: \$30-35k + plus additional expenses.

No legislation currently exists regarding traditional surrogacy.

Conception Statute, but only to IPs who (a) meet enumerated restrictions and (b) are married. <https://law.lis.virginia.gov/vacode/20-156/>

The gestational mother's payment is limited to medical and ancillary expenses.

The gestational mother cannot give her consent to the arrangement until three days after the birth. Pre-birth parentage orders are thus not available.

# NORTH CAROLINA

Gestational surrogacy is not prohibited by law as there is no legislation in place for or against it; rules on traditional surrogacy are unclear.

Pre-birth parentage orders are generally granted, depending on the county.

Base fee: \$35-40k + plus expenses.\*

# SOUTH CAROLINA

Case law (Mid-South Ins. Co. v. Doe) implicitly validates

# NORTH DAKOTA

Gestational Surrogacy is permitted by statute N.D. Cent. Code §§14-18, which states clearly and simply that a child born to a gestational carrier is the child of the intended parents for all purposes.

The same code (Section 14-02.1-02) also bans abortion based on sex-selection or genetic defect.

<https://www.legis.nd.gov/cencode/t14.html>

Base fee: \$35-40k + plus expenses.\*

Pre-birth parentage orders are granted in most cases.

# MI

Both gestation prohibited by or against.

Base fee: \$

Pre-birth parentage orders granted in most cases, depending on circumstances.

# SOUTH DAKOTA

# OHIO

Gestational Surrogacy is permitted in Ohio by published case law  
J.F. v. D.B., 879N.E.2d740 (2007).

<https://law.justia.com/cases/ohio/supreme-court-of-ohio/2007/2007-ohio-6750.html>

The case does not address traditional surrogacy, so rules on this practice remain unclear.

Courts grant pre-birth parentage orders in most circumstances, depending on the judge.

Base fee: \$30-35k + plus additional expenses.\*

In *J.F. v. D.B.*,  
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# WEST V

Gestational surrogacy is permitted  
§61-2-14h(e)(3).  
[http://www.wvlegislature.gov/Bill\\_Text\\_HTML/2012/amendments/HB4130%20H%20JUD%20AM%20](http://www.wvlegislature.gov/Bill_Text_HTML/2012/amendments/HB4130%20H%20JUD%20AM%20)

these cannot be compensated beyond medical expenses.

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# OKLAHOMA

Gestational surrogacy is not prohibited by law as there is no legislation in place for or against it.

Paid traditional surrogacy agreements are prohibited by Oklahoma Trafficking in Children Statute. Okla. Stat. 21 O.S. 866.

[http://oklegal.onenet.net/oklegal-cgi/get\\_statute?99/Title.21/21-866.html](http://oklegal.onenet.net/oklegal-cgi/get_statute?99/Title.21/21-866.html)

These arrangements must instead be treated as adoptions.

Base fee: \$30-35k + plus additional expenses.\*

Pre-birth parentage orders are uncommon, but can be granted, depending on the court.

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# OREGON

Both gestational and traditional surrogacy are not prohibited by law as there is no legislation in place for or against.



Base fee: \$35-40k + plus additional expenses.\*

Oregon is known to be one of the most “surrogacy-friendly” states.

Pre-parentage orders are generally granted to all intended parents, whether single or a couple.

**MARK CASE LAW:**

**ID**

Both gestational  
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Base fee: \$

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# PENNSYLVANIA

No statutes prohibit gestational surrogacy.

In *J.F. v. D.B.*, 897 A.2d1261 (2006), the Superior Court struck down a decision from lower courts that the gestational carrier was to be considered the “legal mother,” thus opening the way for surrogacy to be supported.

<https://caselaw.findlaw.com/pa-superior-court/1117445.html>

Base fee: \$30-35k + plus additional expenses.\*

Pre-parentage orders vary by county.

# MARYLAND

Gestational surrogacy was implicitly approved by the court in *RE- Roberto d.B.* (2003), where it was decided that it was lawful to remove the gestational mother's name from the birth certificate.

<http://caselaw.findlaw.com/md-court-of-appeals/1207425.html>

The New York  
provides  
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# RHODE ISLAND

Gestational surrogacy is not prohibited by law as there is no legislation in place for or against.

Base fee: \$30-35k + plus additional expenses.\*

The rules on traditional surrogacy are unclear, but there is some indication that paid contracts in this case are unenforceable.

Traditional surrogates are unable to relinquish their rights until after birth.

Pre-birth parentage orders in gestational cases are widely available.



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[2/title-7/chapter-93/](#)

Additional expenses \*

Base fee: \$35-40k + plus

# SOUTH CAROLINA

Case law (Mid-South Ins. Co. v. Doe) implicitly validates gestational surrogacy. <https://www.leagle.com/decision/20031031274fsupp2d7571971>

Base fee: \$30-35k + plus additional expenses.\*  
Pre-birth parentage orders are granted in most cases.

Traditional surrogacy, however, must be treated as adoption and therefore be “uncompensated” outside of “reasonable expenses.”

ional surrogacy

Base fee: \$35-40k + plus expenses.\*

Pre-birth parentage orders are granted in most cases.

# SOUTH DAKOTA

Both gestational and traditional surrogacy are not prohibited by law as there is no legislation in place for or against.

Base fee: \$30-35k + plus additional expenses.\*

Pre-birth parentage orders are granted in most cases.

# NEBRASKA

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Gestational surrogacy is permitted because there are no statutes prohibiting it. It is illegal to be compensated for facilitating a surrogacy agreement, even if gestational.

Base fee: \$30-35k + plus additional expenses.\*

# TENNESSE

Tenn. Code Ann. §36-1-102 (50) simply defines gestational surrogacy contracts, but neither allows nor prohibits them.

law indicates that the gestational mother is considered the "legal mother," unless the intended parents their own egg and sperm.

onal surrogacy is also not prohibited, but the birth mother cannot relinquish rights until after the birth.

: \$30-35k + plus additional expenses.\*

# ALABAMA

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[http://oklegal.onenet.net/oklegal-cgi/get\\_statute?99/title.21/21-866.html](http://oklegal.onenet.net/oklegal-cgi/get_statute?99/title.21/21-866.html)

These arrangements must instead be treated as adoptions.

Base fee: \$30-35k + plus additional expenses.\*

Pre-birth parentage orders are uncommon, but can be granted, depending on the court.

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<ftp://www.arkleg.state.ar.us/acts/1989/Public/647.pdf>

The gestational mother must be named initially on the birth certificate; but can later be replaced by the name of the intended mother.

There are no statutes for or against traditional surrogacy.

Only a genetically-related parent can be granted a pre-birth parentage order.

Base fee: \$30-35k + plus additional expenses.\*

# TEXAS

Tex. Fam. Code §160-751 through §160-763 validates gestational surrogacy for married intended parents.

<https://statutes.capitol.texas.gov/Docs/FA/htm/FA.160.htm#160.751>

Base fee: \$30-35k + plus additional expenses.\*

Traditional surrogacy is treated the same as adoption, and thus cannot be compensated beyond “reasonable” medical expenses.

# LOUISIANA

Traditional surrogacy contracts are void and unenforceable under Louisiana Surrogacy Bill, HB 1102 [MM1].

<http://www.legis.la.gov/legis/ViewDocument.aspx?d=10118>

Gestational surrogacy is permitted for heterosexual intended parents, using their own egg and sperm, under strict conditions - INCLUDING A BAN ON MONETARY COMPENSATION.

The surrogate may be compensated for reasonable travel expenses, as well as lost wages.

# DA

statute: Nev. Rev. Stat. NRS 126.500-126.810.

to support traditional surrogacy.

+ plus expenses.\*

the orders are granted liberally

# UTAH

Gestational surrogacy is permitted for married intended parents under Utah Code Ann. § 78B-15-801 (2008).

<https://le.utah.gov/xcode/Title78B/Chapter15/78B-15-S801.html>

The statute explicitly excludes traditional surrogacy from validation, but the practice is not expressly prohibited either.

Base fee: \$30-35k + plus additional expenses.\*



prohibited by statute, however, it is v  
this state.

Base fee: \$30-35k + plus addi

# COLORADO

Both gestational and traditional surrogacy are prohibited by law and are not enforceable for or against.

Colorado is a "surrogacy friendly" state.

Base fee: \$30-35k + plus additional expenses.\*

# VERMONT

Gestational surrogacy is permitted in Vermont under the Vermont Parentage Act of 2018.

<https://legislature.vermont.gov/assets/Documents/2018/Docs/BILLS/H-0562/H-0562%20As%20passed%20by%20the%20House%20Official.pdf>

Base fee: \$35-40k + plus expenses.\*

The Act does not deal with traditional surrogacy, thus it is treated as adoption and must be unpaid beyond reasonable medical expenses.



# NEW HAMPSHIRE

Gestational and traditional surrogacy are permitted by statute N.H.R.S.

Ann.168-B (2014), with restrictions.  
<http://encourt.state.nh.us/legislation/2014/SB033>

(e.g., the surrogate must be at least 21 years old, have no children, and be able to carry another child after

Base fee: \$35-40k + plus expenses.\*

Pre-birth parentage orders are granted liberally in



VIRGINIA

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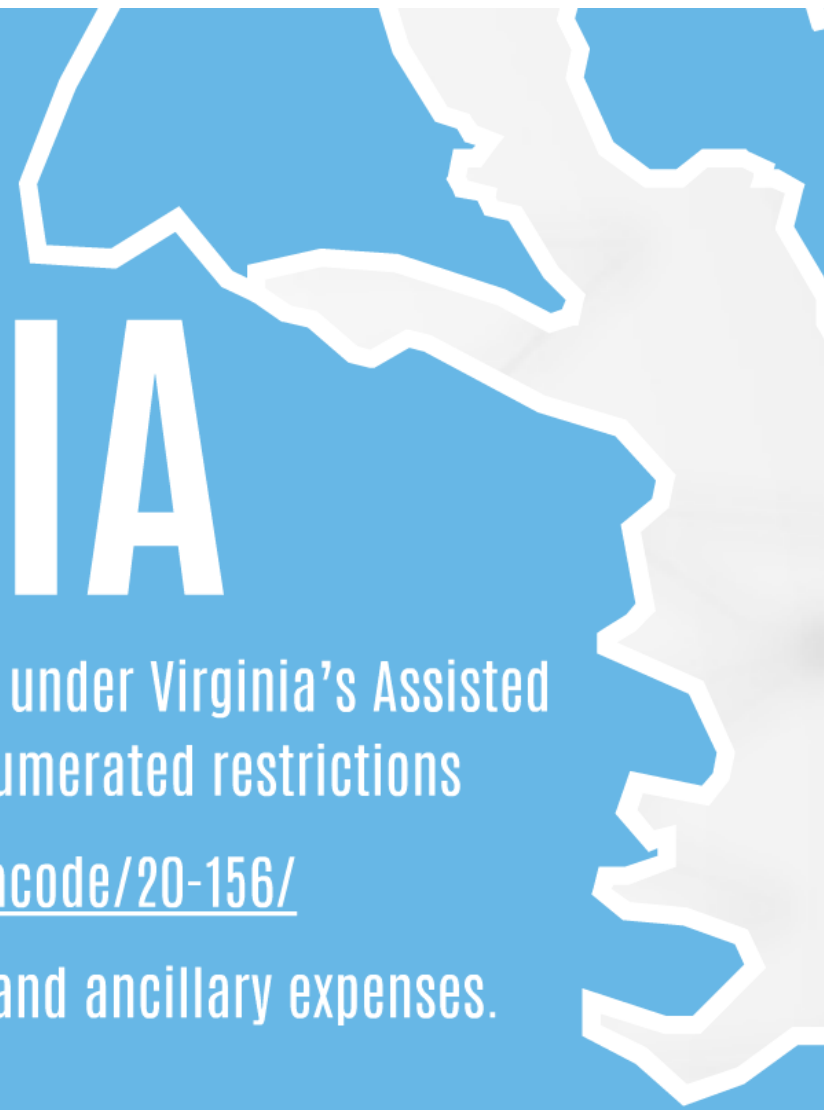
\*

# VIRGINIA

Gestational and traditional surrogacy are permitted under Virginia's Assisted Conception Statute, but only to IPs who (a) meet enumerated restrictions and (b) are married. <https://law.lis.virginia.gov/vacode/20-156/>

The gestational mother's payment is limited to medical and ancillary expenses.

The gestational mother cannot give her consent to the arrangement until three days after the birth. Pre-birth parentage orders are thus not available.



# WASHINGTON

Currently, only “altruistic” surrogacy is permitted. However, a new Act will come into effect Jan 1, 2019, which decriminalizes commercial surrogacy, subject to restrictions.

<http://lawfilesexternal.leg.wa.gov/biennium/2017-18/Pdf/Bills/Senate%20Passed%20Legislature/6037-S.PL.pdf#page=1>

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# WEST VIRGINIA

Gestational surrogacy is permitted in code W.VA. Code §61-2-14h(e)(3).

[http://www.wvlegislature.gov/Bill\\_Text\\_HTML/2012\\_SESSIONS/RS/amendments/HB4130%20H%20JUD%20AM%202-10.htm](http://www.wvlegislature.gov/Bill_Text_HTML/2012_SESSIONS/RS/amendments/HB4130%20H%20JUD%20AM%202-10.htm)

Pre-birth parentage orders are permitted to married intended parent couples.

Base fee: \$30-35k + plus additional expenses.\*

No legislation currently exists regarding traditional surrogacy.

# VIR

Gestational and traditional surrogacy are permitted under the Conception Statute, but only to married couples where (a) and (b) are married. [https://www.wvlegislature.gov/Bill\\_Text\\_HTML/2012\\_SESSIONS/RS/amendments/HB4130%20H%20JUD%20AM%202-10.htm](https://www.wvlegislature.gov/Bill_Text_HTML/2012_SESSIONS/RS/amendments/HB4130%20H%20JUD%20AM%202-10.htm)

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The gestational mother cannot give

# WISCONSIN

Gestational Surrogacy is permitted in Wisconsin by the Wisconsin Supreme Court decision Paternity of F.T.R., Rosecky v. Schissel, except in cases where it is found to be “contrary to the best interests of the child.”

<https://www.wicourts.gov/sc/opinion/DisplayDocument.pdf?content=pdf&seqNo=99308>

**This decision also legalized traditional surrogacy.**

However, it held that the Traditional Surrogate could not be required to relinquish her parental rights, and that provisions in the contract regarding the child’s custody, placement, and visitation could be upheld so long as they were not contrary to the child’s best interest.

**Base fee: \$30-35k + plus additional expenses \***

# WYOMING

Neither gestational surrogacy nor traditional surrogacy are prohibited by statute, however, it is very rarely practiced in this state.

Base fee: \$30-35k + plus additional expenses.\*

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