



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 in 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 are 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 has the right to be represented throughout the contractual process and the duration of the surrogacy agreement and its execution 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 a comprehensive health insurance policy that covers preconception care,



prenatal care, major medical treatments, hospitalization and behavioral health care for a term 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. The intended parent or parents shall also pay for or reimburse the person acting as surrogate for all co-payments, deductibles and any other out-of-pocket medical costs associated with pregnancy, childbirth, or postnatal care that accrue through twelve months after the birth of the child, a stillbirth, a miscarriage, 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 obtain a comprehensive health insurance policy that covers behavioral health care and will cover the cost of psychological counseling to address issues resulting from their participation in surrogacy and such policy shall be paid for by the intended parent or parents.
5. Life Insurance: A person acting as surrogate has the right to be provided a life 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 has a term 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, with a beneficiary or beneficiaries of their 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.