

fertilityplus
Te Korito



Information for Surrogacy

Clinic assisted surrogacy in New Zealand is legal, and regulated, but surrogacy arrangements are not legally binding. This means that the surrogate (and her partner) will be the legal parent(s) of a resulting child until the final formal adoption process has been completed and the intended parent(s) then become the legal parent(s).

Fertility Plus adheres to the Surrogacy Guidelines established by ACART (www.acart.health.govt.nz) and all clinic assisted surrogacies require case by case approval from ECART (www.ecart.health.govt.nz). Paramount in any surrogacy arrangement is the interests and well-being of the surrogate and any potential child. Clinics must report outcomes and any issues arising from surrogacy, to ECART. From the time you commence an ECART surrogacy application until treatment can begin (if approval is granted), is usually around 6-8 months. There is a fee for the ECART application which is not covered by public funding. Legal fees are in addition.

Fertility Plus is not allowed to match intended parents with a potential surrogate. Ideally a surrogate is someone you know directly from your network of family and friends, or someone you are introduced to by someone you know e.g., a sister of a work colleague. Sometimes it is not possible to find someone you know to assist. It can then be helpful to get in touch with others who are involved in surrogacy through forums such as the Fertility New Zealand forum www.fertilitynz.org.nz. Fertility New Zealand also offers information and support through the Donor Conception and Surrogacy Network (DCSN).

Fertility Plus will consider the following criteria when reviewing the use of a potential surrogate:

- Upper and lower age limit: surrogates should be between the ages 25-40
- The surrogate's own family should be complete
- The surrogate should have no significant medical or obstetric history
- Ideally BMI <32
- All surrogates and their partners should give informed consent after counselling
- All surrogates should live in N.Z and have N.Z residency

As you will see from the Fertility Plus surrogacy flowchart and ECART application costs, an application involves medical, counselling, and legal appointments for all parties so that you can be well informed of the process and any risks. Once appointments have been completed, summaries are written up and the application collated by the counsellors and sent to ECART. ECART meet approximately 5-6 times per year and will provide a decision on the surrogacy proposal around three weeks after the meeting.

Information for Surrogacy

At the same time as you are working through the ECART process, we will provide you with details for contacting the Social Worker at Oranga Tamariki (Ministry for Children). The Social Worker will guide you through the adoption assessment which is required. Under New Zealand law, all intended parents need to make a formal application for adoption of a resulting child. For the intended parents, the lawyer you see for the ECART application legal consultation will also be the lawyer you work with once a baby is born and the adoption process is activated.

For more information at any stage, you are welcome to contact the Fertility Plus counsellors on (09) 630 9810 ext. 6 or the Fertility Plus Surrogacy Nurse Coordinator on (09) 630 9810 ext. 3.

Fee Structure for Surrogacy

The application fee is inclusive of:

1) Counsellors services

- a) Five Counselling sessions
 - Two sessions for Intending Mother (IM) and Intending Partner (IP)
 - Two sessions for Surrogate (S) and Surrogate Partner (SP)
 - One joint counselling session with all parties

Any further sessions required for the application process will be at an additional cost of the current counselling rate. Please ask us for a specific quote if an egg donor is also involved.

- b) Three Counselling reports as required for the ECART application and based on the counselling sessions as above.
- c) Coordination of the entire application including liaison with Fertility Plus clinic staff, other health professionals as required, lawyers involved, and ECART Secretariat.

2) Medical specialist services

- a) One appointment with Medical specialist for IM and IP
One appointment with Medical specialist for S and SP
- b) Medical specialist's reports for ECART application and liaison with other medical specialists as required.

Additional appointments (if required) will be billed at the medical review consultation price. We will invoice you for the ECART application in full once the required medical and counselling appointments have commenced. If an application does not proceed to be submitted to ECART, we will discuss with you if any partial refund is applicable. Unfortunately, there is no public funding to cover the cost for ECART applications therefore all applications need to be privately funded by the intended parents. The cost of treatment/management fee for surrogacy needs to be calculated separately to the ECART application fee. If intended parents have some public funding remaining, this can be used for treatment, otherwise private treatment charges apply. Please refer to the current Fertility Plus Fee Schedule for up to date ECART applications costs and treatment costs.

Please note that legal consultations are also a requirement of the ECART process. One legal appointment is required for the IM and IP and a separate session for the S and SP. The IM and IP cover the costs of these legal consultations and we usually advise to budget approximately \$3000 in total. Lawyers invoice you directly for the legal sessions and their subsequent legal reports. Please note that intended parents also need to budget for legal fees for the adoption process after the birth of the child – approximately \$7000-\$10 000.

Legal Advice for Surrogacy

It is a requirement of the Ethics Committee on Assisted Reproductive Technology (ECART) that the intended mother and father, and the birth mother and partner, seek legal advice. The intended parents and surrogate must have separate lawyers. We recommend you use one of the lawyers listed below, as they have experience with surrogacy and the requirements of the ECART legal reports. Please don't book your legal consultations until after your first appointment with the Fertility Plus counsellor.

Always check lawyer's fees when making appointments as charges can vary considerably. Legal fees are **not** included in the Fertility Plus ECART Surrogacy application fee. The intended parents usually pay for the legal consultation for themselves as well as the consultation for the surrogate.

Lawyers:

<p>Stewart Dalley D&S Law Level 4/1 Kenwyn Street Parnell Auckland 1052</p> <p>P.O. Box 37773, Parnell, Auckland 1151</p> <p>Tel: 021 254 7570 Email: stewart@dslaw.nz</p>	<p>Rebecca Teirney, Barrister Eden Street Chambers Level 2, Ideal House 17 Eden Street, Newmarket, Auckland <i>(also by appointment at Lincoln Road, West Auckland)</i></p> <p>P.O. Box 56501, Dominion Road, Auckland 1446 Tel: 09 3906710 Email: rst@rebeccateirney.co.nz</p>	<p>Zoe Lawton, Barrister Commercial Bay Tower, Level 17 19 Customs Street West Auckland CMD 1010</p> <p>Tel: 027 350 4070 Email: contact@zoelawton.com</p> <p><i>Appointments held via Zoom or in person</i></p>
<p>Zandra Wackenier Tomkins Wake The AIG Building, Level 11, 41 Shortland Street, Auckland 1010</p> <p>PO Box 2543, Auckland 1140 Tel: 021 892 143 Email: Zandra.Wackenier@tompkinswake.co.nz</p>	<p>Kesia Denhardt</p> <p>Tel: 09 302 0077 Email: kesia@denhardt.co.nz</p>	<p>Margaret Casey Level 7 9 High Street Auckland City</p> <p>Tel: 09 307 2211 Email: margaret.casey@xtra.co.nz</p>