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HEALTH

## Who Becomes a Surrogate?

There are often “have” and “have not” differentials at play in the surrogate-intended parent relationship. The surrogates already have the ability to create babies; the intended parents have money. They are usually better educated, and far more economically secure. Sometimes these dynamics can create subtle tensions.

By Leslie Morgan Steiner

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On a blue-sky afternoon in early November, a few days after Halloween, yellow leaves and a few Reese’s candy wrappers littered the cobblestone sidewalks ringing the

Maryland State House. The circa-1772 redbrick, white column Annapolis landmark is the oldest American edifice still in legislative use. Our infertile founding father, George Washington, resigned his military commission here in 1783. Three years later, patriots rallied in the State House to call the thirteen American colonies to assemble for the Constitutional Convention. Another 225 years later, red, white, and blue American flags, as well as Maryland's black, gold and red ones, fluttered at every window.

On the third floor of a small, anonymous office building directly across the street, Sherrie Smith sits behind her desk. She works only a few blocks from the Annapolis wharf, with its rustic "shoppes," historic landmark buildings, pretty white sailboats and blue-glass water. Close-shaven cadets in black uniforms walk to town from the nearby United States Naval Academy.

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"Having a baby for someone else is as far from easy money as you can get."

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Sherrie is always too busy to see much of the historic scenery outside her office. She's buried in her email queue, conducting interviews via Skype and answering the phone. Her job is educating, listening to, and holding the hands of anxious, usually very wealthy, prospective parents from around the globe. She is the program administrator for the Center for Surrogate Parenting, one of the oldest, most respected surrogacy agencies in the world.

"The biggest misconception about American surrogates?" she clarifies in the beige-on-beige CSP conference room where she spends much of her days. "That they do it for the money. Having a baby for someone else is as far from easy money as you can get."

Sherrie Smith has run the East Coast office of the Center for Surrogate Parenting since 1998. She's now in her 60s. Although she chose not to have kids of her own, she and CSP have helped nearly 1,700 surrogate babies come into this world. CSP's most famous babies include two sets of twins for *Good Morning America* host Joan Lunden, and Zachary Jackson Levon Furnish-John, the baby boy born on Christmas Day 2010 for pop rocker Elton John and his husband David Furnish.

Sherrie's company was founded in Los Angeles, California in 1980. Sherrie's boss—a Los Angeles lawyer by the name of William Wolf Handel—wrote a third party reproduction agreement, now called a “surrogacy contract,” as a random, one-off request for a client. Word quickly spread among infertile clients desperate to hire surrogates to have babies. The phone at Handel's Los Angeles law office started ringing off the hook.

Bill Handel and his staff—all women except the boss—at first struggled to craft a workable set of guidelines in the brave new world of contractual baby making. They knew they'd stumbled upon a promising business opportunity—but a risky one. *What if the surrogate changed her mind?* Many desperate prospective parents asked. A reasonable question, without a clear-cut answer; no legal precedents had been established. So Bill Handel's female-centric firm came up with an innovative business philosophy: the surrogate herself would have equal standing among the team of doctors, wealthy clients, and lawyers. With a democratic approach, Handel figured that they had a good chance of solving any problems that arose.

“It was impossible to write a contract—or create a company—that was unfair to women when all my employees and partners were women,” Handel explains today. Other women in Handel's life added their two cents. In addition to his estrogen-rich office, the female clients who hire him, and the surrogates his company hires, insert one wife and two daughters. Women surround Bill Handel 24 hours a day.

“I live in a world where the toilet seat is *never* left up,” Handel clarifies, laughing.

Lucky for him, the approach proved wildly successful. Almost by accident, the Jewish, Brazilian-born Bill Handel became a pioneer in California surrogacy law. Over the years, his advocacy—plus a plethora of wealthy, high-profile celebrities who publicly embraced surrogacy—helped make California arguably the most surrogacy-friendly environment in the U.S. It also made CSP one of the finest, and most expensive, providers of surrogates in the world.

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The first surrogate Sherrie Smith encountered had been hired by someone she loved so much, Sherrie would have supported her adoption of a Pet Rock: her sister Fay Johnson. After years of negative pregnancy tests and myriad infertility diagnoses, Fay Johnson became one of the earliest American women to go public about hiring a paid surrogate. Sherrie's niece and nephew were both born via surrogate in California, in 1990 and then 1994.

During the years since, Sherrie has learned a great deal about the American surrogates who carry babies for infertile clients from around the world.

The clients are usually older, richer, better educated, often with graduate degrees, and more likely to come from large urban cities like New York, Los Angeles, Paris, and Tokyo. CSP's clients are far better traveled than the surrogate mothers they hire. Intended parents (IPs) come from Argentina, Australia, Belgium, Brazil, Bermuda, Canada, China, Columbia, Cyprus ... Denmark, Egypt, England, France, Germany, Hong Kong, India, Ireland, Israel, Italy, Indonesia ... Japan, Kazakhstan, Korea, Lebanon, Luxembourg, Malaysia, Mexico, Netherlands, Norway, Papua New Guinea ... New Zealand, Peru, the Philippines, Russia, Saudi Arabia, Scotland, Singapore, Slovenia, Spain, Sweden, Switzerland, Taiwan, Turkey and Venezuela.

The majority of intended parents are heterosexual couples. Some are infertile due to biological abnormalities. Others face fertility challenges wrought by hysterectomies, car accidents, paralysis, or other medical problems. More and more are gay male couples (lesbian couples rarely hire surrogates, given the inexpensive, thoroughly-screened sperm on the market and the statistical improbability of two female partners both being infertile). Increasingly, there are more single women and single men who are consciously and openly choosing to become solo parents. CSP originally worked only with couples, but in 2009 the company changed its guidelines to welcome single parents.

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—the ability to create babies. What the IPs have is  
money.

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The surrogates are obviously all female, and they're noticeably younger—the average age is about 28. The typical profile runs like this: married, Christian, middle class, with two to three biological children, working a part-time job, living in a small town or suburb rather than a big city, with a degree of college education but usually without a college degree. Women who shop at Wal-Mart and Costco, not Whole Foods and Neiman-Marcus.

In the United States, statistics show that surrogates fall into the average household income category of under \$60,000. About 15 to 20 percent are military wives. Some are single women. Those who are married have husbands who support paid surrogacy; surrogacy is obviously not something you can hide, or withstand with a spouse who is not on board emotionally. They have health insurance. They get paid well—the surrogacy fee paid directly to surrogate mothers who work for CSP runs from \$20,000 to \$30,000 per pregnancy, tax-free. Experienced surrogates often command higher fees; as in any position, experience counts. Of the women who serve as surrogates for CSP, roughly 35 percent repeat the experience; in the U.S. there is no limit to the number of times a surrogate can carry for-profit babies.

CSP is not alone in its strict criterion for surrogates. Ethical surrogacy agencies and lawyers don't accept two specific categories of potential surrogates. First, they reject women below the poverty level who may be at greater risk for health concerns and coercion, and who probably do not have medical insurance. Second, they reject women who don't have children. Women who are already mothers have proven they are fertile, and have a more comprehensive grasp of what it will mean to surrender a baby to its legal parents.

Although the money makes a difference, no surrogate signs up just for the money.

“It would be easier to get a job at McDonald's,” Sherrie insists. “The money doesn't begin to compensate them for what they do. A surrogate pregnancy means working 24 hours a day, 7 days a week, without a break, for nine months. Pregnancy is risky; pregnancy taxes your body tremendously. Our surrogates come to us because they love children, they want to help people who cannot have them, and they like the feeling of creating a family for other people.”

Yet undeniably, you've got “have” and “have not” differentials at play in the surrogate-intended parent relationship. The surrogates already have what the IPs desperately want—the ability to create babies. What the IPs have is money; they are usually better educated, and far more economically secure. They must be, in order to afford the surrogate's fee, the agency fee, legal fees, and surrogacy's medical expenses.

The IPs are consumed by desperation. As a result, their surrogate becomes, at least for nine months, the superwoman in their lives, the embodiment of their most fervent hopes and dreams. Working at McDonald's or temping as a law firm receptionist can't compare to being a wealthy, educated couple's savior. Sometimes these economic and fertility dynamics can create subtle tensions; many times the enthusiasm of the surrogate and the gratitude of the intended parents smooth over any jagged feelings.

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Some quirks about surrogates. There are very few Jewish surrogates—and almost zero Jewish egg donors. Black surrogates carry babies for white families and vice versa. Surrogates do not pay taxes on the payments from clients, which technically are for pain and suffering incurred, not for carrying a baby. Daughters of surrogates frequently decide to be surrogates themselves; surrogacy can become a family tradition. Gay men are the favorite clients of many surrogate moms; one emotional complication is removed from the tricky relationship, because the gay intended parents don't suffer the understandable jealousy/inferiority issues that can plague infertile intended mothers.

CSP selects only twenty of the 400 women who apply each month to be surrogates. The most common reasons for rejection? The surrogate lives in a state where commercial surrogacy is not legal. She has health issues such as high blood pressure or obesity. Her motivation is too heavily focused on money. She lives too far away from a level two NICU. She has not yet had a child.

What takes up most of Sherrie's time is interviewing and managing the clients who retain CSP to oversee the complex surrogacy process. Step one is completion of an online form, available from CSP's website, followed by a phone call with Sherrie. Step

two is a half-day interview, conducted in person in Sherrie's conference room or via Skype (particularly useful for international clients, who account for close to 50 percent of CSP's parents). The interview includes a 45-minute preliminary psychological consultation with one of the independent counselors who work with CSP. Then clients must meet with an attorney familiar with state-by-state surrogacy laws and contracts, as well as international citizenship regulations if the client is from another country.

The first phase in surrogacy has nothing to do with babies, and everything to do with meetings.

During these lengthy consultations, everything about the process—the risks, unknowns, legal paradoxes, and costs—are laid out. Sherrie is a skilled communicator; the most important part of her job is talking and listening. She goes through the minutiae of health insurance clauses that exclude coverage for surrogate pregnancies. She diplomatically broaches whether a surrogate or a client would be amenable to reducing a multiple pregnancy, or terminating a pregnancy if the fetus has birth defects, both important issues to clear up long before they become realities, especially because forcing a surrogate to have an abortion is legally, and ethically, problematic.

Sherrie Smith *wants* to see glassy eyes on her prospective clients' faces.

“The only surprise we want clients to have,” Sherrie makes clear. “Is whether they're having a boy or a girl.”

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This post is adapted from Leslie Morgan Steiner's *The Baby Chase: How Surrogacy Is Transforming the American Family*.

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