Carrying 'Dreams': Why Women Become Surrogates

By Marisa Peñaloza

April 17, 2012, 6:53 PM

A pregnant woman holds her stomach June 7, 2006 in Sydney, Australia. (Ian Waldie / Getty Images)

Last in a four-part report

Surrogacy is an idea as old as the biblical story of Sarah and Abraham in the book of Genesis. Sarah was infertile, so Abraham fathered children with the couple's maid. Today, there are many more options for people who want to grow their families — and for the would-be surrogates who want to help.

Macy Widofsky, 40, is eager to be a surrogate.

(Courtesy of Whitney Watts)

"I have very easy pregnancies. All three times have been flawlessly healthy, and I wanted to repeat the process," she says, "and my husband and I won't be having more children of our own."

Widofsky sits in the lobby of a fertility clinic in Reston, Va., where she's being tested to find out if she's a good candidate. Surrogacy runs in her family: Her mother was a surrogate when Widofsky was 12, and the experience left a mark.

"I was very impressed then that she was willing to help a family out this way, and I didn't realize at the time how uncommon that was," she says.

(Courtesy of Macy Widofsky)

Widofsky's mom did what's called "compassionate" surrogacy, meaning she wasn't paid. Some women do it for family or a friend. Today, though, most surrogates get between $20,000 and $25,000 to bear a child for someone else.

Why One Surrogate Wanted To Help

Whitney and Ray Watts are the parents of 3-year-old J.P. Whitney carried twins for Susan and Bob de Gruchy.

"To me, being a surrogate — it's like you're carrying someone else's dreams," she says.

That's part of what could make some people scratch their head. After all, it's easier to believe that a woman would give up a child from her womb for money rather than a desire to help.

Whitney, 25, says her parents went through infertility nightmares, and that gave her determination to help someone make a family. She says she didn't think about bonding with the baby.

"It was [in vitro fertilization]. It was their embryos," she says. "You just know they are not yours. You're just keeping them for a time to let them grow and then give them back to their parents, because they were never my babies. It's just my uterus that's keeping them."

Not Doing It For The Money

Sitting next to each other, 27-year-old Ray looks adoringly at his wife; they finish each other's sentences when they speak. The Wattses say they were looking for a couple they could connect with.

"It was very important to us to have a relationship with them," Whitney says. "Yes, it's a business contract in a sense, but it's so much more than that." Her husband agrees.

"Had Susan and Bob just wanted to pay money and get a kid, that would have been a deal breaker right away," he says.

The Watts say the health of the pregnancy — and ultimately of the twins — relied on the relationship developed by the couples.

Crystal and John Andrews live in Bel Air, Md., with their three kids. They are done building their family, but Crystal wants to be pregnant again. She says she feels "special" when she's pregnant. She decided to become a surrogate, and her family is onboard.

She says explaining surrogacy to her children wasn't hard.

"Ms. Becky wanted to bake a pie," she told them, "and she had all the ingredients. She got her pie together, went to put it in the oven, and her oven was broken."

Are You Doing Good If You're Getting Paid?

The issue of money, though, is real. It makes some people feel uneasy because motherhood is not typically financially compensated. Whitney Watts says she looked into compassionate surrogacy — doing it for free — but it didn't feel right.

"I would do compassionate [surrogacy] for a friend, but not for someone I don't know, through an agency," she says. "It wouldn't feel appropriate ... because you don't know what you are going to do until you get there."

Whitney says she didn't want to put her family through financial stress. As it turned out, she spent 55 days on bed rest at the hospital.

Elaine Gordon, a clinical psychologist in Los Angeles, counsels couples on family-building, including surrogacy, and on the issue of payment.

"I think people automatically feel that if money is involved then there is no altruism involved, and that's not necessarily true," she says. "We are all compensated for the work we do, and we still want to do good work even though we are compensated."

Gordon says many surrogates tell her the experience of having a child for someone else is so powerful that they want to do it again.

Sunday, April 15th

Surrogacy Experts Help Navigate Murky Legal Waters

By Jennifer Ludden

April 13, 2012, 3:00 AM

According to the Society for Assisted Reproductive Technology, more than 1,400 U.S. babies were born through surrogacy in 2010. (iStockphoto.com)

First in a four-part report

On a sunny weekday morning, Diane Hinson pauses at the door of a generic office park in Northern Virginia. It's a routine work appointment for her, but a potentially life-changing event for her clients.

"I'm here today for the transfer of embryos," she explains.

It's like I have a purpose. ... It's like I'm doing something important.
–Crystal Andrews, potential surrogate

(Courtesy of Diane Hinson)

Hinson is one of a growing number of lawyers making a living by coordinating surrogacies — a pregnancy where a woman bears a child for someone else who can't conceive or carry a pregnancy to term. According to the Society for Assisted Reproductive Technology, more than 1,400 U.S. babies were born this way in 2010, and many more such births are thought to go unreported. This small, but fast-growing field is fraught with risk, and often intense coordination is the only way to avoid a legal nightmare.

Inside the Virginia Center for Reproductive Medicine, Hinson greets Joy, a confident and upbeat surrogate-to-be who has flown in from Florida for this appointment.

"I knew how much of a joy it was when I had my baby," Joy says. "I thought I'd love to do this for someone."

(Marisa Peñaloza / NPR)

Hinson has matched Joy with Michael, a single man from Germany who wants to be a father. Surrogacy is banned in Germany, and both will only let us use their first names.

The two embryos ready for transfer were created using Michael's sperm and the eggs of an anonymous donor in Washington, D.C. Confused? The point is that — like almost all surrogacies now — Joy will have no genetic connection to any baby she carries.

Joy signs a consent form agreeing to carry twins if both embryos implant. With a hug and a quick "Good luck!" she heads back to an operating room for the procedure.

A Legal Patchwork

When surrogacy works, it's like a miracle for people who never thought they'd be able to have a child. But when it goes wrong, it goes terribly wrong. And though that doesn't happen often, those are the cases you're most likely to hear about — surrogates changing their mind and deciding to keep a child, followed by protracted custody disputes.

Surrogacy is largely unregulated and, thanks to the Internet, it's become a do-it-yourself affair with potentially disastrous results. A decade ago, Hinson started Creative Family Connections in Maryland with the aim of creating order in a reproductive Wild West.

"We actually made this map of the United States," Hinson says as she pulls it up on her laptop. It's a colorful display of varied and competing state laws on surrogacy. There are "proceed at your own risk" states, where surrogacy is prohibited, but goes on anyway; there are "green light" states that permit it and "yellow light" states that won't enforce surrogacy contracts; and then there are the states that allow it with certain restrictions, like you have to be in a traditional marriage.

"And then we've got a *huge* number of states which we call the 'vacuum' states," Hinson says. That means there is no statute and there are no published court cases. There's also one "red light" state where surrogacy is criminal — Washington, D.C., just down the road from Hinson's office. She says she once spent a panicked day trying to keep a hospitalized surrogate in Maryland from being transferred to D.C.

"They're like, 'Well, what would happen if this baby was born in D.C.?' because she was having contractions," Hinson says. "I'm like, 'I don't know, and I don't want to find out.' "

Visiting A Surrogate

According to Creative Family Connections, prospective parents can pay well over $100,000 in legal and medical fees. With all that at stake, Hinson must first figure out where clients *can* hire a surrogate; then she sets out to find a woman for the job. She and her colleagues place personalized ads and carry out an intense vetting process that includes a psychological evaluation and home visit.

At one such visit, Crystal Andrews welcomes Creative Family Connections partner Linda ReVeal and a case manager into her tidy townhouse in Bel Air, Md. "I feel like I need to hug you, I've talked to you so many times," Andrews says. Andrews wants to be a surrogate, and her husband, John Andrews, has taken off work to be here.

The couple meet crucial criteria for surrogacy. They already have children, so Crystal presumably understands the emotions involved in bearing a child; their home — or "in utero environment" as ReVeal calls it — is clean and happy; and they are not on government aid. While surrogates get paid about $20,000 plus expenses, the idea is to rule out anyone who's doing it only for the money.

John assures them he is supportive, another must. "I see it as a chance for her to provide for somebody else who can't have [a baby]," he says.

ReVeal presses: "You don't think it'll be weird or uncomfortable to have your wife be pregnant with a child that isn't yours?" she asks.

No, he says, and family and friends are also onboard. Crystal tells them she enjoys being pregnant.

"It's like I have a purpose," she says. "It's like I'm doing something important."

A 55-page contract will make sure surrogate and intended parents see eye to eye, spelling out everything from when they'd agree to terminate a pregnancy to how the surrogate will try to eat a well-balanced diet. ReVeal also asks what kind of people the Andrewses would like to help — a married couple, a same-sex couple or a single parent. Crystal says it's all good.

"I think people who are uptight might not jive with us very well," she says, "just because we're just very relaxed."

Hinson says she does her best to make a good match between surrogate and intended parents. But in the end, she says, this relationship depends on trust.

"I always liken it to parents who have a nanny," she says. "If you think you need a nanny-cam, you're getting the wrong person. You have to ultimately trust that this is the person who's going to take care of your baby."

The Surrogacy Bond

Back at the Virginia fertility clinic, the embryo transfer went well for Joy, the surrogate from Florida, and the doctor comes out to show off the ultrasound.

It's exciting, but if Joy becomes pregnant, there's always the risk that she'll bond with the baby she carries. Instead, Hinson encourages surrogates to bond with the intended parents. Joy has already spent time with father-to-be Michael and they talk on Skype. She also knows how she'll explain all of this to her own toddler son.

"I'm going to take pictures for Michael to see my belly," she says. "When my son gets of age, I'll tell him Mommy helped create a baby for someone else. I'm hoping I can say, 'See, this is Uncle Michael's baby.' "

If all goes well, today's black-and-white ultrasound will be the first photo for Michael's — and Joy's — baby book.

This story was produced for broadcast by Marisa Peñaloza.

Ties That Bind: When Surrogate Meets Mom-To-Be

By Jennifer Ludden

April 13, 2012, 5:32 PM

Surrogate Whitney Watts had her son, J.P., while her husband, Ray Watts, was at sea with the Navy. Surrogacy experts say it's crucial for surrogates to have their own children because they'd presumably understand the emotions involved in bearing a child. The couple for whom Whitney carried twins paid for all expenses during the pregnancy, including private health insurance. (Marisa Peñaloza / NPR)

Second in a four-part report

As she approached her sixth month of pregnancy last year, Whitney Watts' cervix had started to shorten. It's a common problem with twins. Watts was concerned, and was taking care not to overexert herself.

But it's probably fair to say her condition was far more frightening for Susan de Gruchy, the woman who had hired Watts to be a surrogate because she and her husband were unable to conceive. Nearly 400 miles away, de Gruchy was obsessed with worry.

My soul felt complete. I had done everything in my power, and it was the most amazing feeling. I will never forget seeing her face see his face for the rest of my life.
–Whitney Watts

(Marisa Peñaloza / NPR)

"Here I am in Boston and I'm having to trust that she's not going up and down stairs," de Gruchy says. "I became a little consumed with that."

Watts remembers floating in the pool in her bikini after her doctor approved a short vacation. But de Gruchy remembers Watts telling her about having to pick up her cranky 2-year-old and carry him. She says she couldn't help but wonder what she would have done if she were the one who was pregnant.

"I would have hung myself up by my ankles," de Gruchy says, "and I would have never moved, you know? And that's not realistic."

(Courtesy of Whitney Watts)

At the next ultrasound, there was bad news: Watts' cervix was opening and closing.

"I was trying not to cry," Watts says. "I had to stay strong for Susan and Bob because they were just both ready to lose it. And this was at 23 weeks, just the cusp of viability."

From Loss To Surrogacy

There are few things more intimate than carrying a baby for nine months. Modern technology has made it possible for women who are unable to do that to hire someone to do it for them, creating an unprecedented relationship — one that's fraught with emotion.

Surrogacy was not Susan and Bob de Gruchy's first choice to create a family, but they were desperate for it to succeed. They'd been through five failed rounds of in vitro fertilization, including an agonizing miscarriage. Then they tried adoption. They bonded with a newborn boy for three heady days, until the mother changed her mind.

"I literally had to carry her out of the hospital," Bob says. Susan tears up at the memory.

"We had already had loss, loss, loss," she says, "and then this. It was awful."

That's when a friend suggested surrogacy. She placed an online ad for the couple, and Whitney Watts answered it.

Helping 'Another Woman Be A Mom'

Watts is a Navy wife living in Maryland. Her husband, Ray Watts, was on a ship in the Middle East when their toddler son, J.P., was born. She's mentally tough, physically healthy and passionate about being a surrogate.

"My parents had a very long and hard road getting pregnant with me and my brother," Whitney says, "and this was back in the early '80s. I always thought if I was fertile and I didn't have any issues that I would want to help another woman be a mom."

Ray was initially hesitant. "I think probably a lot of husbands, a lot of dads, are hesitant," he says, though he eventually came around.

In Massachusetts, de Gruchy was having her own doubts, like what if the surrogate also saw herself as the mother? The relationship seemed risky and exhausting.

"I think emotionally I was so spent," she says. "These people want to become very close to you ... your new best friend."

De Gruchy also worried that a surrogate would want to play a big role in a child's life. "So the further away [the surrogate] could be, geographically and emotionally, was going to be the best thing," she says.

Diane Hinson, the lawyer who negotiated their surrogacy contract, convinced de Gruchy she'd need to at least communicate with her surrogate by email. So the two couples met for dinner at a Cheesecake Factory — like a blind date, Bob says — and they hit it off. A few months later, Whitney took a home pregnancy test and called up Susan with the results.

"I'm like, 'I'm superpregnant!' " Whitney remembers. "And she's like, 'Woo hoo!' "

It was twins, just what Susan and Bob had hoped for.

Waiting For The Other Shoe To Drop

Ray Watts had heard of surrogates getting too attached to their babies. He found the prospect scary, and worried it could happen to Whitney. So without telling her, he reached out to Bob and Susan and they all agreed to use very deliberate language.

"I never once said, 'Hey, how are the kids doing?' " Ray says. "It was always, 'Hey, how are Bob and Susan's kids doing?' It was this constant reiteration that [these are] somebody else's kids."

And everything was going well, until that checkup at 23 weeks. Whitney was put on bed rest and, a week later — when her cervix started dilating — she moved into Johns Hopkins hospital for close monitoring.

Even in best-case surrogacies, so-called intended parents — especially women — often feel a frightening loss of control. After all, another person is in charge of the most precious thing in your life. And with Watts in the hospital, her body threatening to go into labor, de Gruchy admits she was freaking out over the smallest things, like when Watts told her she'd gone to a hospital support group meeting.

"I'm like, 'Oh really? Who wheeled you in the wheelchair? Did you go in a wheelchair? Did you walk? How long were you up? Were you sitting up?' " de Gruchy recalls. She jokes that Watts must have seen her and thought, "Here comes crazy!"

"Sometimes she would be really upset on the phone," Watts says. But Watts took it all in stride. She says she understood that de Gruchy was anxious because until that point, something had always gone wrong.

"She believed that these babies were never going to come," Watts says. "Like this dream was there and she could almost touch it and then it was going to get taken away again."

'I'm Taking These Babies To The End'

As agreed to in their surrogacy contract, the de Gruchys paid for someone to clean the Wattses' house while Whitney was on bed rest. They also paid her next-door neighbor to care for little J.P. Combined with travel, legal and medical fees plus the private health insurance they bought for Whitney, the surrogacy cost them close to $200,000. Of that, about $25,000 went to Whitney, who also received an allowance for things like maternity clothes and prenatal vitamins. Susan worked extra to help cover it all.

Ray Watts, meanwhile, was getting no slack in his work schedule, since these weren't his babies. He says he started having second thoughts about the whole thing.

"There [were] numerous times where I remember thinking ... 'Was this a good idea? There's no way I could go through this again,' " he says. "Things like that."

Pretty soon, Bob says, Susan was flying down to Maryland nearly every week for doctor's appointments. She'd take Whitney a Kindle reader, flowers — she even painted her toenails.

"All of a sudden," Bob says, "this person who was kind of distant was starting to thaw. And now it was a team, too. I think that helped having someone with you in this."

They were a team even as Whitney begged doctors to send her home, and Susan begged them to keep Whitney in the hospital. Finally, after 55 days at Johns Hopkins, Whitney was allowed to leave. It was Bob who drove her home. Whitney remembers tearing up as they turned onto her street.

"I knew when I came home, 'I can do this,' " she says, her voice catching. "I'm taking these babies to the end."

She made it an additional 3 1/2 weeks, and then had the delivery they'd all dreamed of. As the first twin, Owen, came out — a healthy 4 pounds 9 ounces — Whitney gazed up at Susan, who was standing right by her side.

"Seeing her face see his face, my soul felt complete," she says. "I had done everything in my power, and it was the most amazing feeling. I will never forget her face seeing his face, for the rest of my life."

'She Was The Perfect Surrogate'

"Did you have a nice nappy?" de Gruchy coos as she picks up Owen's sister, Elle, and smothers her with kisses. On the walls of their cozy nursery are framed, cross-stitched birth announcements, a gift from Watts, who made them while on bed rest.

The twins are 8 months old now and de Gruchy is still full of awe and gratitude for the way Watts handled such a difficult pregnancy.

"In retrospect, she did absolutely everything perfectly," de Gruchy says. "So the fear factor of her staying involved — it's nothing that I really do fear because she has been so appropriate. She was the perfect surrogate."

De Gruchy is happy now to stay in touch, texting Watts and sending baby photos. The Wattses are even thinking of a paying them a visit for the twins' first birthday.

This story was produced for broadcast by Marisa Peñaloza.

Read More From This Series

Who Is A Parent? Surrogate Technology Outpaces Law

By Jennifer Ludden

April 13, 2012, 4:29 PM

William Stern holds his daughter, then known as Baby M, in 1987. The Sterns' surrogate tried to keep the baby after she was born. Their court battle became the first public debate about surrogacy. (M. Elizabeth Fulford / AP)

This is the third report in a four-part series.

These days it can take a village to create a child. Technology means someone who never thought they'd be able to conceive can use a sperm donor, an egg donor and a surrogate — a woman who bears a child for someone else. But the law has not kept pace with technology, and with so many people involved, a key question remains: Who is a legal parent?

For thousands of years, there was no doubt. A woman who gave birth was that child's mother, and her husband the presumed father. But 25 years ago, a challenge to this notion exploded into a courtroom battle that riveted the nation.

The law has not embraced the concept of separating motherhood from giving birth.
–Steve Snyder, family law attorney

A couple in New Jersey hired a woman to have a baby for them, but after delivering a daughter, the woman changed her mind. A protracted custody battle ensued. In 1988, New Jersey's Supreme Court declared surrogacy contracts invalid, saying, "There are, in a civilized society, some things that money cannot buy."

The Baby M case, as it was known, was the first public debate about surrogacy, and its ruling had a profound effect. Many states passed laws to restrict surrogacy. Yet since then, the practice has exploded, with more than 1,400 babies born to U.S. surrogates in 2010, according to the Society for Assisted Reproductive Technology. Many more births were likely unreported.

"Oh yes," says Michele Zavos, a family law attorney in Maryland. "We've got surrogacy companies, we've got the Internet. It is a big, big change."

Parents-to-be can now connect directly with surrogates online, although experts strongly recommend professional assistance — in part to screen surrogates and hopefully avoid a Baby M scenario. Legal issues have only grown more complicated, too.

The surrogate in the Baby M case used her own eggs. Today, though, nearly all surrogates become pregnant through in vitro fertilization, using another woman's eggs. Sometimes those eggs are from the woman who wants to be a mother, sometimes they're from a donor.

Redefining Parenthood

Steve Snyder of the American Bar Association says many family laws were written years — if not decades — ago. Even basic legal terms like "biological mother" can now seem unclear.

"Well, now, if one woman can give birth," he says, "and another woman can provide the egg, so what did they mean by 'biology?'"

Snyder and Zavos are among a growing number of lawyers pushing for a broader definition of parent, one based simply on someone's "intent."

"Is [a parent] somebody who decides to have children with somebody else?" Zavos asks. "[Someone] who acts as a parent throughout a child's life? Is it somebody that the biological or legal parent invites in to be a parent?"

She believes the answers should be yes, yes and yes.

A few courts have recognized "intent," and some states have passed laws to make surrogacy easier. But the practice is largely unregulated, and lawyers are left to work through a tangle of varied and conflicting state laws. Their aim: to create legal parenthood where it never existed.

They may use adoption, or something called "voluntary acknowledgment of paternity." Some states now allow a "pre-birth order," which designates the intended parents and allows their names — instead of the surrogate's — to go on a birth certificate. Attorney Snyder says each case can feel like a puzzle.

"So the question is like a Rubik's cube," he says. "How do we get intended mom on the blue side, with all the other blue pieces, and get the surrogate, the yellow piece, off of there."

Pregnancy Is Profound

"This is not for some trial judge in a family court to make up law," says attorney Harold Cassidy.

Cassidy represented the surrogate in the Baby M case, and he still defends surrogates who change their mind. Pregnancy is profound, he says, and in aiming to help infertile couples, legal contracts ignore the rights of the woman who gives birth.

"In many ways these contracts are uninformed," he says, "because the woman is asked to make a promise to do something before the child is even conceived."

Gail Robinson is one of Cassidy's clients who found herself backing out of that promise. In 2005, she agreed to carry twins for her brother and his partner. But, she says, "The bond and love for the girls that developed was far more powerful than anything I ever expected."

After a falling out with the couple, she sued for custody. Because part of her case is on appeal, Robinson declined to be interviewed, but agreed to read a statement.

"The growing sense of moral obligation to my daughters increased as I realized that my daughters needed their mother," she told NPR.

Robinson lives in New Jersey, the same state where the Baby M case played out, and where the law still deems surrogacy invalid. A court found Robinson to be a lawful parent, and late last year she was awarded visitation rights, even though she has no genetic connection to the twins she carried.

"The law has not embraced the concept of separating motherhood from giving birth," Snyder says. He says society accepts that sperm or egg donors are not "parents." But pregnancy seems sacred.

"To believe that a woman can have no remorse or resistance to giving the child up is at direct odds with our societal notion of what motherhood is," he says, "even though that was her intent before she ever got pregnant."

Snyder believes surrogacy also generates opposition because it touches on hot-button issues, from abortion to same-sex marriage.

Still, Zavos believes the law will eventually recognize those who arrange for the creation of a child with the intention of becoming a parent.

"Technology is leading it," the attorney says. "People can have children. And the most important thing is, are they going to be a good parent?"

One thing both sides agree on: the need for more legislation to regulate surrogacy. But that's not likely to happen without more consensus on who should be deemed a parent.

This story was produced for broadcast by Marisa Peñaloza.