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Councilman wants surrogacy contracts legal in D.C.

by [Eric Newcomer](#)

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There could be a new social issue on everyone's lips this year in the District: surrogacy.

Amid a flurry of legislation introduced at the opening of the legislative session, Councilman David Catania submitted a bill that would end the city's prohibition on surrogacy contracts, eliminating the possibility of a \$10,000 fine and a year in jail for people who enter into one.

Surrogacy is a topic that divides not only many Americans but two groups that often make common cause on social issues: feminists and gay rights advocates.

"Women are not Easy Bake Ovens," said Jennifer Lahl, president of the Center for Bioethics and Culture.

Surrogacy creates "a situation that intentionally separates children from biological mothers and fathers, and money is at the heart of it," she said.

However, Catania is optimistic that the bill will be well-received by the council.

"I don't expect there to be any significant opposition," Catania said. "This is about remedying what I believe to be an imperfection in our law."

For its part, the mayor's office declined to weigh in on the bill, saying it is too soon to form a position on every bill introduced on Tuesday.

Supporters say surrogacy benefits all parties involved.

Stephanie Caballero, a California attorney who handles surrogacy cases and says 30 percent of her clients are gay, says that with proper screening, money is not the only reason a woman decides to become a surrogate.

"The first reason is because they want to help someone," she said. "They do it [in part] because they love being pregnant."

The Human Rights Campaign, a gay rights advocacy group, said it is excited to work with Catania to get the right piece of legislation through the council.

Catania's legislation allows both traditional surrogacy, where a surrogate mother uses her own egg, and gestational surrogacy, where another woman's egg is implanted in the surrogate.

Many attorneys and some surrogacy advocates prefer gestational surrogacy, which avoids the potential legal issues that arise if a woman brings her own fertilized egg to term and then changes her mind about the surrogacy agreement.

Catania's bill creates a legal framework that allows both types of surrogacy and requires both parties to draw up a written agreement and retain their own legal representation. He said he modeled it after successful legislation in California.

His proposal comes after Republican Gov. Chris Christie vetoed legislation passed by New Jersey's Legislature that would have loosened restrictions on surrogacy in the state.

Virginia's surrogacy law requires that a surrogate mother be married and have already given birth to a child. Meanwhile, Maryland does not have any laws on the books legalizing or prohibiting surrogacy. But the state's adoption laws lead many surrogacy advocates to conclude that surrogacy agreements would not hold up in Maryland courts.

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