Surrogacy gives birth to industry

Oregon's medical advances, willing mothers attract international clients who bring cash with their dreams

By Peter Korn

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CHRISTOPHER ONSTOTT / TRIBUNE PHOTO

Surrogate Casey Schwartz is seven months pregnant with a child intended for a client. Portland agencies have experienced a boom in foreign couples coming here to enlist surrogates such as Schwartz.

Jeri Chambers is in the middle of her seventh pregnancy and still enjoying the process.

That's a good thing, since the 34-year-old Chambers is serving as a gestational carrier, or surrogate mother, for the fourth time after delivering three children of her own.

Chambers, who also owns the local Greatest Gift Surrogacy Center, is part of a little-known but fast-emerging industry in Oregon: international surrogacy.

In the past year and a half, couples from around the world looking for surrogate gestational carriers to bear their children have discovered Oregon, with its liberal surrogate laws and highly rated reproductive medicine clinics.

A year ago, Chambers' agency had three international customers. This year, Chambers says, she has had 23 couples from outside the United States who have come to Oregon to have a surrogate carry their children.

John Chally, co-founder of Northwest Surrogacy Center in Northeast Portland, also has seen his international business take off. Chally says about a third of his agency's 36 clients this year are from outside the United States, a significant shift from five years ago, when his agency had no international clients.

Chally cites a number of reasons for the sudden international interest in Oregon surrogates, starting with the sophistication of the local assisted reproduction clinics. National data for all clinics show a 56 percent rate of live births from eggs artificially implanted using in vitro fertilization. The clinic Oregon Reproductive Medicine's success rate is among the nation's best at 73 percent, and the two other local clinics also score well.
According to data released by Oregon Reproductive Medicine, 85 percent of its surrogate implantation yields births. A few years ago, before recent technological advances, those numbers were much lower.

Chally says another explanation for the sudden increase in international surrogates is growing acceptance of gay partnership around the world. The majority of the Northwest Surrogacy Center's international clients are from France and Israel. Almost all of the clients from those countries are gay male couples, for whom adoption is often not an option. France doesn't allow surrogate parenting, and Israel's laws are very restrictive, yet both countries have large populations of openly gay men who want to be parents.

"Among gay men, I really do think there's an awakening going on. And I'm proud to be part of that," says Chally, who is not gay.

In fact, Chally is making two trips to Israel this year to introduce Northwest Surrogacy Center to men who may be interested in hiring Oregon surrogates. He says international surrogates represent an economic boon to the Portland area. Typical, he says, are two recent clients from France who came for the last month before the birth of their child. Both partners were accompanied by grandparents, which meant six people living here for a month. Among their local purchases -- an infant’s car seat.

**International clientele**

Skype has helped create the growing market for U.S. surrogates, according to Sherrie
Smith, program administrator for the east coast office of the Center for Surrogate Parenting, probably the nation’s largest surrogate agency. Though Smith’s center is in Los Angeles, a number of its surrogate mothers are in Oregon.

Previously, she explains, couples from abroad often would fly in to meet potential surrogates, come back for a period of time to check up on the surrogate during pregnancy, and then return for the last month of the pregnancy and birth of their child.

Today, couples abroad can interview potential surrogates by Skype and keep in touch with them two or three times a week during the pregnancy, only traveling here to deliver sperm and later for the child’s birth.

The surrogacy industry is minimally regulated, and agency officials confirm that nobody really knows how many international surrogate births are taking place. But local agencies confirm that Oregon is starting to see another trend — couples coming here from China seeking surrogates.

Chally says he has two Chinese couples as clients. Surrogacy is not legal in China, and it is not allowed in most European countries.

California has experienced the boom in Chinese couples looking for American surrogates for more than a year. Parham Zar, managing director of the Egg Donor & Surrogacy Institute in Los Angeles, says about six out of 10 of his client couples come from outside the United States, compared to one in 10 when the institute opened 11 years ago. The majority of the international clients, he says, are from China.

Some of those couples, Zar says, are coming to the United States for second children born through surrogacy. China’s one-family, one-child laws apparently can be maneuvered around for parents with enough political clout and money.

"From what I understand, there is a penalty they can pay for any child they have more than one, and of course they can afford it," Zar says.

**Year of the Dragon**

They can afford the penalty because only couples with a great deal of money can consider surrogacy in the first place. According to Chally, the cost to couples who use a surrogate and a donated egg usually runs a little more than $100,000. Women in Oregon get about $25,000 for serving as surrogates.

Smith says the surge in Chinese couples using West Coast surrogates might be due to a less practical motive. This is the Year of the Dragon in the Chinese zodiac. Among Chinese people, a child born under the dragon sign is considered destined for a life of good luck, and that may be a reason why Chinese couples are suddenly turning to U.S. surrogates, she says.

And those Chinese couples are insistent that the donated eggs used in their surrogate births come from ethnic Chinese women, she adds.

Typically, U.S. women sell their eggs for $5,000 to $10,000 each, with higher prices commanded by attractive women attending the best universities. There have been reports of young ethnic Chinese women being offered significantly more for their eggs.
Jeri Chambers, a four-time surrogate and mother of three, consults with a surrogate mother at the Greatest Gift Surrogacy Center, where she pairs surrogates with intended parents.

Rewarding and fulfilling

Chambers, as a fourth-time surrogate, says the experience is like childbirth, and not. She and other agencies will only accept as surrogates women who have given birth to their own children, thus proving they are physically capable. Also, that way there is less likelihood a surrogate will become emotionally attached to the child she is carrying, even though the child is not carrying her genetic material. Virtually all agencies today insist that third-party donated eggs be used.

"The process is very strange," Chambers says of surrogacy. "You're pregnant with somebody else's child. You still take in the mother's instinct of taking care of the baby. But instead of being excited to see that baby and hold that baby, at the end of the delivery you're more excited (because) it's the end of the road."

Chambers says that during her first surrogacy, her husband thought she was "bona fide crazy." But on the day of the delivery, 16 members from two Taiwanese families were at the hospital awaiting the birth of their first grandchild. They'd all flown to Oregon for the event.

"They were in the hallway so they could hear his first cry," Chambers recalls.

And her husband, she says, was affected just as much.

"Fifteen minutes after delivery my husband begged me to do it again, it was so rewarding and fulfilling," she says.

In fact, recalling her first surrogate pregnancy, Chambers says she was concerned that her three children would begin to see her pregnancy as a potential brother or sister for them, and be disappointed when the intended parents took the child home. She decided she would only surrogate for a black or Asian couple so her kids would clearly see the baby was not related to them.

As for the increasing number of couples from abroad coming to Oregon for surrogate mothers, Chambers says based on what she is hearing from clients, the same amenities that have brought others here are also luring couples seeking children.

"Our surrogates are a lot healthier than California's," she says. "We get a lot of natural surrogates. They're not hippies, but everything is organic and everything is natural."
Surrogacy navigates turbulent legal waters

In Belgium, laws restrict same-sex couples from adopting children.

When a gay Belgian couple had a surrogate in California deliver twins for them, they returned home and were told that only the man whose sperm had been used -- the biological father -- would be acknowledged as a father. The other man was forced to adopt the children so the four could be recognized as a family.

A German couple went to India for a surrogate who delivered twins using a donated egg. But a judge in India ruled that maternity was based on the origin of the egg, and the children were caught in a state of legal limbo for two years before the couple were able to return to Germany with their children.

International surrogacy has arrived in Oregon, but it brings with it a host of tricky legal and ethical questions that are not likely to be resolved soon.

"It's a new field, it's evolving all the time, and it involves inconsistent international laws. You have different countries with different laws and different value systems. You can't expect consistency when people start with different values," says Susan Crockin, a Washington, D.C., attorney and law professor considered one of the field's few legal experts.

Among reasons Oregon is seeing a surge in overseas couples seeking surrogates are the state's liberal surrogacy laws. Some states, such as Washington, restrict surrogacy from becoming a commercial transaction. Other states, like many countries, don't allow surrogacy at all.

In Oregon, state statutes recognize surrogacy and state judges have repeatedly approved pre-birth orders which establish the intended couple as legal parents of the surrogate-born child. In states where couples are unable to obtain pre-birth orders, they have to legally adopt their surrogate-born children, even though each child may carry the genetic heritage of at least one of the intended parents, and none of the genes of the surrogate.

The pre-birth order is also critical for protection of the surrogate, Crockin says. In vitro fertilization, pregnancy and delivery are expensive propositions, and frequently covered by the surrogate's health insurance. But not always.

In a number of cases, Crockin says, surrogates have delivered children with complex medical problems who must spend days or weeks in a hospital neonatal intensive care unit. The bills can reach hundreds of thousands of dollars.

If the intended parents from abroad obtain a pre-birth order, they have established their parentage and their responsibility for the medical bills of their newborn baby, which should be covered by their health insurance.

That's the more ethical route, Crockin says, adding that a few agencies representing parents practice an "unethical end run" by not having the intended parents obtain a pre-birth order, leaving the surrogate's health insurer to foot the bills, or leaving the surrogate with a potential mountain of debt.

In fact, Crockin says that California health insurers have found themselves paying medical bills for so many surrogacy cases that some have begun excluding surrogacy birth as a covered procedure.

In a few cases, Crockin adds, children born through surrogacy have had severe birth defects, and overseas couples have reneged on the contract and refused to come to the United States to pick up
their babies.

The evolving field of surrogacy is discovering all sorts of legal quirks. Children born in the United States through surrogacy automatically qualify for U.S. citizenship and dual passports.

Under Jewish law, only children born to a Jewish mother are automatically Jewish, so couples from Israel seek the eggs of Jewish women when they contract for surrogate births, Crockin says.

In Iran, surrogacy is sometimes allowed, according to Crockin, but in order to use a donor's egg some intended fathers must first marry the egg donor and bring her into his home.

Turkey does not allow surrogacy, and has made it illegal for physicians there to advise their patients to travel to the United States to arrange surrogacy births. Crockin says Turkey has even taken the unprecedented step of enacting an extraterritorial law, prohibiting its citizens from doing something in another country -- surrogacy -- because it is illegal at home.

John Chally, co-founder of Northwest Surrogacy Center in Northeast Portland, says the most difficult international surrogacy cases his agency has encountered have involved couples coming here from France, where surrogacy is illegal. In one case, it took months for the couple to establish that the baby they were bringing home was a legal French citizen.

"The French are very touchy about citizenship," Chally says.

-- Peter Korn