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March 6, 2019

House Judiciary Finance and Civil Law Division
Minnesota House of Representatives

Re: Support for HF-1140/SF1533

Dear Mr. Chairperson Lesch, Ms. Vice Chairperson Moller and Members of the House Judiciary Committee:

On behalf of the Academy of Adoption and Assisted Reproduction Attorneys (“AAAA”) I am writing to state our support for HF-1140/SF1533 (“The Bill”).

AAAA is a credentialed, nonprofit organization of attorneys, judges and law professors throughout the United States, Canada and abroad, all of whom are distinguished in the legal fields of adoption and assisted reproductive technology. We support and advocate for the rights of families and to insure appropriate consideration of all parties’ interests, including children, in adoption and assisted reproductive technology matters. Our Fellows are committed to the ethical practice of adoption and assisted reproductive technology law.

The Bill, in a straightforward and imminently workable manner, establishes the requirements for an enforceable gestational surrogacy arrangement, codifies critical safeguards for all parties and outlines the elements of the gestational surrogacy contract that will guide the participants. Most importantly, it allows for the vesting of secure parental rights for the intended parents who form their families through assisted reproduction, thereby protecting the best interests of their children. Furthermore, for those who may contribute eggs or sperm without the intention to be a parent, the Bill clearly establishes their status as a donor.

Another positive aspect of the Bill is its requirement for separate, independent counsel for the parties. A different lawyer for each party, separately dedicated to representation of rights, protection of interests and guidance in the review and negotiation of the agreement, as well as for all matters that pertain to the gestational carrier arrangement, is a monumental step in furthering the integrity of these arrangements.

Finally, by guaranteeing the establishment of parentage for the intended parents and the release from parental responsibilities for gestational carriers and for donors, the Bill provides for just and equitable treatment of the citizens of Minnesota who suffer from infertility and build their families through assisted reproduction.

We urge you to join us in support of this Bill and respectfully ask you to vote in its favor.

Sincerely,

Margaret E. Swain, RN, JD
Director of ART, Academy of Adoption and Assisted Reproduction Attorneys
Chair, ART Legislative Committee