



Nicole K. White, Esq.

Assisted Reproduction & Surrogacy Attorney

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Welcome!

At this time, I want to personally thank you for your interest in Kinsey Law Group, P.C. When I was an Intended Parent, there were many things I did not know. I had so many questions and didn't know where to start or what to do. As a result, my first surrogacy journey was stressful and confusing. I needed someone who could provide answers, support and guidance so I wouldn't have to worry so much.

Now, as a surrogacy attorney, I am able to use my unique background, knowledge and experience as an Intended Parent to support and guide others through their surrogacy journey, so they can focus on one thing, the arrival of their little one.

I hope the enclosed materials will answer your questions. If not, I invite you to call me at (301) 968-1630 to discuss any concerns you have or you can schedule a **FREE, educational Family Building Planning Session** where we will discuss:

- ... Your goals and desires for starting or expanding your family;
- ... What options are available to you;
- ... What your surrogacy journey will cost;
- ... Tips for finding the right surrogate for your journey;
- ... Strategies to protect your rights so your child leaves the hospital with you;
- ... What you need to know so your name goes on the birth certificate;
- ... Steps you can take to make sure your little one is taken care of no matter what; and
- ... How to choose the right guardians for your minor kids and avoid the six common mistakes parents make.

After reading this information, call (301) 968-1630 or email me at nicole@kinseylawgroup.com to ask any questions. Again, thank you for your interest in Kinsey Law Group, P.C.

Very truly yours,



Nicole K. White, Esq.
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My Personal Surrogacy Story



My dream of having a family of my own was made possible through assisted reproductive technology (ART) and surrogacy. After learning that I could not carry a child myself, my husband and I were devastated and overwhelmed, but our desire to have a child was strong. So, we decided to pursue IVF/gestational surrogacy to have a baby.

Thirteen months after starting the process, our surrogate gave birth to a beautiful baby girl. I cannot begin to describe the flood of emotions I felt when my daughter was placed in my arms. I will never forget that day, and my husband and I will forever be grateful for our surrogate. Three years later, we had another wonderful surrogacy journey that resulted in the birth of our son. I have a great respect for any woman who carries a baby for another couple.

Third party reproduction can be confusing and overwhelming to intended parents and gestational surrogates. That's why I provide guidance and legal representation to intended parents, gestational surrogates and donors. **However, what makes me different is my experience as an intended parent who has gone through the surrogacy process *three* times.**

Because I am an infertility survivor and mother by surrogacy, I know firsthand **what you will need – support, guidance, communication and a smooth process** – and what you will go through when starting your family. My experience also helps me **guide you through the financial, emotional and legal aspects of ART and surrogacy.**

I can say with confidence that few (if any) attorneys deliver the unique insight I can bring to your journey. From knowing what to expect during the surrogacy process to preventing and resolving problems with your chosen surrogate, I share information, ideas and advice learned as an attorney **and** as an intended parent.

Surrogacy from Start to Finish

Locating an ART/surrogacy lawyer

The first, and most important, step is to locate a surrogacy lawyer to provide legal representation and to guide you through your journey. Surrogacy— like most worthwhile things in life— comes with its own set of risks. Those risks are very real, and they can be devastating to you and your partner. That's why you need an attorney who focuses on assisted reproduction law, including surrogacy.

Locating a gestational surrogate

The next step is to locate a gestational surrogate. Intended parents can do so on their own or using an agency. If using an agency, make sure the agency properly and thoroughly screens the gestational surrogate.

Psychological and medical testing

Next, there will be a combination of psychological and medical testing which includes, but is not limited to:

Psychological testing and evaluation of the gestational surrogate by a psychologist familiar with surrogacy issues including MMPI2 testing. Individual and group sessions with all parties involved in the surrogacy process with a psychologist to explore motivations, attitudes and commitment to the surrogacy process.

Hysteroscopy/HCG to visualize the gestational surrogate's uterine cavity through a thin scope inserted through the cervix to determine the shape and size of the uterus and whether or not the fallopian tubes are clear.

Infectious disease testing to ensure that all parties are clear of transmittable disease such as AIDS, Herpes, Hepatitis, etc.

Current Pap smear and annual physical.

A mock cycle for the gestational surrogate to check the uterine lining's response to estrogen.

Contract phase

Once all parties have passed all necessary testing, the contract phase begins. The legal aspects of surrogacy are numerous, complex and state specific. Therefore, it is vital that each party involved in the surrogacy arrangement has their own attorney who is skilled in reproductive law. In addition, well before an embryo is transferred into the gestational surrogate, it is critical that the details of the surrogacy arrangement are solidified in a written agreement.

Having a written agreement not only protects the intended parents' rights but also protects the gestational surrogate. It is important that the agreement is detailed and spells out the rights, obligations and expectations of each party. An attorney will be able to help draft a fair and reasonable agreement.

Starting the cycle

Next, the gestational surrogate and the egg donor (who can be the intended mother or an egg donor) synchronize their cycles, usually with birth control pills. When indicated by the physician, the egg donor and the gestational surrogate will start the medication phase to prepare the uterus of the gestational surrogate and to stimulate the egg donor's ovaries to produce eggs. Fertility hormones continue anywhere from 7 to 12 days depending on the egg donor's response to the hormones. The egg donor is monitored throughout the medication phase via ultrasound and blood tests to determine her response to the drugs.

Once the follicles in the ovaries are the right size (about 18-20mm), the egg donor is given a trigger shot which helps to mature the eggs. At the appropriate time, the eggs are retrieved from the ovaries and then fertilized. At about 3 or 5 days after fertilization, one or more embryos will be transferred to the surrogate's uterus.

Pregnancy

We all hope that the first attempt at achieving pregnancy is successful. The Gestational Surrogate will be monitored by the infertility clinic of the Intended Parents' choice for the next few weeks before being released to the obstetrician of the Gestational Surrogate's choice.

Parental Rights

Typically, before the birth, any legal filings or procedures will take place to establish the parentage of the baby. This varies from state to state and we will guide you through this process.

Birth!

Congratulations! In most cases the Gestational Surrogate, along with her family, share this very exciting and rewarding moment with the Intended Parents. After delivery and the release of the baby from the hospital, the Intended Parents leave the hospital as a complete family. The Gestational Surrogate goes home to her own family with the deep satisfaction of having been responsible for her invaluable role in helping to create a much-wanted family.

Potential Surrogacy Costs

Because each surrogacy journey is different, it is difficult to give an exact dollar amount of what your journey will cost. For example, if complications arise or if donor eggs, sperm or embryos are required, the costs may be higher. However, based on experience, your surrogacy journey can cost approximately \$60,000 to \$110,000, with \$110,000 being the worst-case scenario with maximum expenditures being made. You should talk to your attorney and/or fertility clinic about ways to reduce your costs.

Your costs may include some or all of the following: life insurance for the surrogate; medical expenses including psychological evaluations and testing, psychological counseling, medical evaluation by your fertility clinic, IVF cycle fee and medications; attorney fees for the Intended Parents and the surrogate; birth order to establish parental rights for the Intended Parents; surrogate compensation; monthly allowance for the surrogate; maternity clothing allowance; IVF fees such as mock cycle fee, dropped cycle fee, embryo transfer fee, invasive procedure fee, and C-Section fee; multiples fee if the surrogate carries more than one child; lost wages, maid service and child care if the surrogate requires bed rest; travel expenses; escrow account fee; and criminal background check.

Contact me at nicole@kinseylawgroup.com for a more complete breakdown of your potential surrogacy costs.

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How Can a Surrogacy Lawyer Help You?

Before you take the first steps towards building your family with gestational surrogacy, you need to find a good lawyer—and not just any lawyer, but one who practices assisted reproductive technology (ART) law and surrogacy. You'll need a lawyer at key points throughout the process, for example, drafting the gestational carrier agreement and obtaining a birth order. But, it's also helpful to be able to talk to a lawyer anytime to ask questions and get the guidance you need through your entire journey. Below are a few ways your lawyer can help you have a smooth and enjoyable gestational surrogacy journey.

Consulting About the Surrogacy Process

Your lawyer's first role will probably be that of consultant. Find a lawyer before you do anything else, and then use your lawyer's knowledge and expertise to determine if a surrogacy agency or going independent to find a surrogate is right for you. Your lawyer can help you in other ways such as reviewing your clinic and agency agreements to make sure your rights are protected. Your lawyer may also have some advice or ideas to share about ways to pay for surrogacy. Having a lawyer, especially one who has been through the surrogacy process, to guide you through your surrogacy journey can be an invaluable asset.

Drafting the Surrogacy Contract

Once you have found a gestational surrogate, you'll need your lawyer to draft a surrogacy contract. This is a critical step in your surrogacy journey. Be sure that the contract covers all eventualities, including miscarriage, birth defects, surrogate health issues, and multiples. Think about how much contact, if any, you want to allow between the surrogate and the baby after the birth. Your lawyer can help you consider all the important factors and draft a contract that addresses them to the satisfaction of all parties concerned. Without a lawyer, you run the risk of leaving loopholes that can cause distress and hassle for everyone later.

Getting a Pre-Birth or Post-Birth Order

In some states, like Maryland, you can get a pre-birth order, which means that your name and your spouse's/partner's name will be placed on the baby's birth certificate as the parents. That's one important job that your lawyer takes on for you— advising you on when to obtain the pre-birth order and then processing the paperwork on your behalf. If you don't get a pre-birth order in time, or if your state doesn't allow them, your lawyer may help you get a post-birth order in place quickly.

Protecting Your Rights

Above all, your lawyer is there as a part of your surrogacy team, to protect the rights of you and your partner as the baby's intended parents. Most surrogacy journeys go well and have happy endings, but just in case yours is the exception, your attorney is there to alert you to problems, protect your interests, and undertake legal action if it's necessary.

Choosing a Lawyer

The ideal reproductive lawyer or surrogacy lawyer is one who knows the surrogacy journey from both sides. As a mother via gestational surrogacy, Nicole K. White of Kinsey Law Group in Maryland can relate to her clients in a special way. "What makes me different is my experience as an intended parent," she says. "I can say with confidence that few, if any, attorneys deliver the unique insight I can bring to your surrogacy journey."

Check out client reviews to find a qualified assisted reproduction attorney like Nicole in your state. Find a lawyer who knows the process inside-out and has plenty of experience guiding intended parents through their surrogacy journey.

No Hourly Billing

At Kinsey Law Group, P.C., I only use a fixed fee pricing system. That way my clients know what the cost for legal services is up front and there are no surprises. Hourly billing leaves client's wondering how much time the attorney is spending on the job, which makes it harder to budget for legal services.

Compare Fixed Fees to Hourly Billing

Fixed-fee pricing is very different from hourly billing which is used by most law firms. While there is nothing unethical about hourly billing, it has a few major drawbacks:

- ... **Rewarding Inefficiency.** Hourly billing rewards inefficiency. The attorney is paid more for spending more time on your matter, even if the additional work doesn't add much value.
- ... **Unclear Pricing Expectations.** Hourly billing creates a sense of uncertainty and frustration. You want to know what the total fee will be up front. With hourly billing, the attorney will say that the total cost will depend on the number of hours spent on the matter. This leaves you constantly wondering how much time the attorney is spending on your matter and how big your bill will be. In purchasing nearly anything else, you know exactly what it will cost up front. Why not for legal services?
- ... **Reduced Communication.** Hourly billing can reduce communication with your attorney. When you make a 15-minute phone call to an attorney who uses hourly-billing, you will be billed for 15 minutes of attorney time. Assuming the attorney's hourly rate is \$200, every 15-minute call will cost you \$50.00, which will discourage communication between you and the attorney.

The fixed-fee pricing model doesn't have these drawbacks. It rewards the attorney for being more efficient in handling your matter, it provides you with an up-front fee quote so that you know what to expect, and it allows you to communicate freely with your attorney, without fear of unpleasant surprises when the bill comes. For these reasons, I believe that fixed-fee pricing is a better way to provide legal services.

Before You Hire a Surrogacy Lawyer Ask These 10 Questions First!

1. How do you bill clients? Do you work on a flat-fee basis, or will I receive a bill for every phone call, email, or fax sent to your office? Do you guarantee your fees in writing?
2. Will you keep me updated on my case?
3. Do you provide ongoing support after the surrogacy or donor agreement is completed? What happens when I call with legal questions? What if the questions are about something other than the surrogacy agreement?
4. Will you help me look out for loopholes or problems in contracts or agreements provided by a surrogacy agency or fertility clinic?
5. Will you help me ensure that I am legally protected as an egg donor or sperm donor, both now and in the future?
6. Do you focus exclusively on assisted reproduction and surrogacy law? What is your background?
7. Will you advise me about various agencies or fertility centers that might be helpful for someone in my specific circumstances?
8. Will you prepare custom documents for me or will I be receiving a template set of documents?
9. Do you have a thorough knowledge of all the steps and phases involved with surrogacy, IVF, and other assisted reproduction technologies?
10. Do you also provide estate planning advice and services so that our little one will be protected?

Our Services

*** Family Building Planning Session**

During your Family Building Strategy Session, you will be able to get answers to all of your questions and develop a detailed action plan for your journey (from beginning to end).

*** Review of Matching Agency and Clinic Agreements**

Review of the agency and clinic agreements with recommended revisions to protect your rights.

*** Gestational Carrier Agreements**

Draft, negotiate and review Gestational Carrier Agreements on behalf of the Intended Parents. Provide independent legal representation for the Intended Parents.

*** Legal Representation for Gestational Carriers**

Review and negotiate Gestational Carrier Agreements on behalf of the Gestational Carrier. Provide independent legal representation for the Gestational Carrier.

*** Donor Agreements**

Draft, negotiate and review egg, sperm or embryo donation agreements on behalf of the Intended Parents. Provide independent legal representation for Intended Parents.

*** Legal Representation for Donors**

Review and negotiate egg, sperm or embryo donor agreements. Provide independent legal representation for donors.

*** Pre- or Post-Birth Orders**

Draft, review, obtain signatures and file legal pleadings with the court. Arrange for court appearances or default judgments so that the Intended Parents' names appear on the birth certificate.

*** Birth Plan**

Draft a comprehensive birth plan to ensure that the birthing process goes as smoothly as possible and your wishes are known and respected by your entire birth team.

*** Nomination of Guardian Forms**

You name guardians to provide temporary and/or permanent care for your minor children and you can provide instructions to your caregivers and guardians so they will always know what to do if something happens.

*** Health Care Directive/Proxy**

Draft a Health Care Directive to allow you, the Gestational Carrier, to name another person (your agent) to make health care decisions for you and your unborn child if you are unable to communicate your wishes regarding medical treatment.

*** Comprehensive Estate Plans**

Draft a straightforward, easy to understand family protection plan that protects your minor children. Typically, your Gestational Carrier Agreement will require Intended Parents to have a current estate plan in place.

Our Clients Speak

I found the surrogacy process to be complicated, anxiety-provoking, and often opaque. Intended parents (IPs) are vulnerable to a seedy network of “professionals” who want to take advantage of the IP’s perceived desperation, and see them as an easy financial mark. Nicole has valiantly protected me from some of these people – and has been an incredible ally, providing me with a clear understanding of what is and isn’t contractually “normal” in the surrogacy world. She reviewed fee benchmarks, explained legal language as needed, and was extremely timely in her responses. She was a voice of calm and reassurance during a very stressful time, and worth every penny of her fees. I recommend her without reservation to any IPs who need legal services. *VJ*

Nicole is a very knowledgeable attorney and has a clear and approachable way of assisting her clients. She is very meticulous in detail and understands the challenges of running an airtight ship especially within the ART field. I admire Nicole's ability to look at an concern and see the many ways it can be resolved. I highly recommend Nicole and the Kinsey Law Group. *Sharon LaMothe, Surrogacy & Third Party Family Building Educator*

Nicole is a colleague and a friend. She is a first rate attorney. I have referred numerous clients to her with confidence. It is without hesitation that I endorse Nicole. *Sonya Smith-Valentine, CPA and Attorney*

Phenomenal Lawyer! Words cannot express how happy I am to have been connected to Nicole Kinsey for my estate planning! She was/is always there for me with my many questions and concerns. She made me feel comfortable in the decisions I had to make. *Sandra, College Park, Maryland*

I contacted Attorney White thinking that all I needed was a will. Following early contacts with Attorney White, she explained to me in simple terms why I actually need a Trust instead. This is due to complicated family issues, medical and legal issues related to an offspring and court issues related to my wife's guardianship issues. Attorney White guided me through the process from A to Z. Several times I called her after hours and on weekends and she returned my e-mails or telephone calls after her office was closed. She is the greatest. *James B, Upper Marlboro, Maryland*

To God be the Glory for allowing our connection. It was meant for me to be directed to you for the Estate Planning Services. You were a pleasure to work with. Your honesty, warmth, and ability to inform with clarity was a blessing. Throughout the entire process, I remained comfortable and felt like you were a caring friend that wanted the best for your client!! Thank -you for your willingness to make sure I was clear with all of the terms and processes regarding my Estate Planning process. *Dianne T., Fort Washington, Maryland*

Great Experience! I want to take this time to tell others about my experience with Kinsey Law Group. I needed an estate plan and had talked to two other attorneys before I called Kinsey Law Group. I was very impressed with Ms. White. She explained estate planning so I could understand it, and I'm extremely happy with my estate plan. I feel comfortable and confident in her services. *Catheryne J., Fort Washington, Maryland*



Nicole K. White is an attorney and the founder of Kinsey Law Group, P.C. She is dedicated to assisting individuals and couples in the areas of Assisted Reproduction/Surrogacy and Estate Planning. Whether you are trying to start or expand your family or if you are concerned about protecting your family and assets, Nicole will work with you and provide the guidance and support you need. For more information, please contact Nicole at (301) 968-1630 or visit her website at www.kinseylawgroup.com.

Considering Surrogacy to Start or Expand Your Family?

Nicole Kinsey White, Attorney

Discover What You Need To Know Before You Start Your Journey.

For couples struggling with infertility where the woman is not able to carry a child, surrogacy is a wonderful option to build a family. However before starting your surrogacy journey, it is important to have a basic understanding of the process. For example, it's important to know the different types of surrogacy arrangements, the procedures involved, and the legal implications of each type.

In addition, to make your surrogacy journey as smooth as possible, you should have a good understanding of the following:

1. how to adequately protect your rights,
2. the potential costs associated with your surrogacy journey, and
3. the importance of having the support and guidance you need throughout your surrogacy journey.

What is surrogacy?

Surrogacy is an arrangement where a woman carries and delivers a child for another person (intended parent) or couple (intended parents). The woman who will carry the child is known as the surrogate mother.

Types of surrogacy

There are two types of surrogacy: **traditional** and **gestational**. Traditional surrogacy is where the surrogate mother donates her own egg and carries the child for the intended parents. The surrogate mother can be inseminated with either the intended father's sperm or donated sperm in a process called intrauterine insemination. Another option involves creating embryos using in vitro fertilization (IVF) and then transferring one or more embryos into the surrogate mother's uterus. With traditional surrogacy, the surrogate mother is genetically related to the child.

Gestational surrogacy is where an embryo is created through IVF and then transferred into the surrogate mother's uterus. This is the most common type of surrogacy. With gestational surrogacy, the surrogate mother is not genetically related to the child.

Additional gestational surrogacy arrangements include the use of an egg donated from another woman (donor egg) and/or the use of sperm donated from another man (donor sperm).

Protecting Your Rights

The legal aspects of surrogacy are numerous, complex and state specific. Therefore, it is vital that each party involved in your surrogacy arrangement has their own attorney who is skilled in reproductive law. In addition, before an embryo is transferred into the surrogate mother, it is critical that the details of your surrogacy arrangement are solidified in a written agreement.

Having a written agreement not only protects your rights but also protects the surrogate mother. It is important that the agreement is detailed and spells out the rights, obligations and expectations of each party. Some things to consider include the purpose of the surrogacy arrangement, where the child will be born, dietary concerns, selective reduction, expectations after the birth of the child, and court procedures for placing the intended parents' names on the birth certificate.

If problems arise, your best protection will be your agreement, which should also provide guidance for resolving potential problems. Some intended

parents and surrogates are tempted to go through the surrogacy journey without an attorney; however, doing so is a mistake.

Cost

Because each surrogacy journey is different, it is difficult to give an exact dollar amount of what your journey will cost. For example, if complications arise or if donor eggs, sperm or embryos are required, the costs may be higher. However, based on experience, your surrogacy journey can cost approximately \$60,000 to \$110,000, with \$110,000 being the worst-case scenario with maximum expenditures being made. You should talk to your attorney and/or fertility clinic about ways to reduce your costs.

Support and Guidance

Having adequate support and guidance can make all the difference between a very stressful and heartbreaking surrogacy journey and a more peaceful surrogacy journey.

During your surrogacy journey, you want to be able to focus on one thing, the arrival of your little one. Therefore, having someone who can assist you in finding the best surrogate, coordinate the different aspects of your journey and act as a mediator between you and your surrogate mother (if needed) will help remove some of the stress and anxiety. You will also need an attorney who is skilled in reproductive law to provide the legal guidance that you will need. Lastly, it would be advantageous if you had someone on your team who has personal experience with surrogacy. This person will be able to tell you what to expect and help you deal with certain situations that may arise between you and your surrogate mother.

Free Guide for Intended Parents

HOW TO AVOID A STRESSFUL AND HEARTBREAKING SURROGACY JOURNEY:

What Intended Parents Should Know Before Starting Their Journey



Download this free guide and discover:

- Tips for Finding the Right Surrogate
- Simple Strategies to **Protect Your Rights** So Your Child Leaves the Hospital with You
- What You Need to Know So Your Name Goes on the **Birth Certificate**
- Steps You Can Take to Make Sure **Your Child Is Taken Care of** No Matter What

Simply go to www.klgsurrogacy.com/IPGuide and request your free guide. You can also request a copy by calling (301) 968-1630.

www.klgsurrogacy.com/IPGuide

Kinsey Law Group, P.C.
Building and Protecting Families
www.kinseylawgroup.com
Bethesda, MD * Largo, MD

Learn More about Surrogacy

This article is meant to be an introduction to surrogacy and a brief discussion of some of the things intended parents should know. Surrogacy is indeed a journey, and the more you understand about the process *before* starting, the better your journey will be. If you want to learn more about surrogacy and how to ensure a more peaceful journey, download the free guide "How to Avoid a Stressful and Heartbreaking Surrogacy Journey: What Intended Parents Should Know Before Starting Their Journey".

This article is solely for informational purposes and is not intended to, and nor does it, constitute legal advice.

You're Invited to Call or E-mail.

“If you have questions about any aspect of Assisted Reproduction or Surrogacy, please don't hesitate to call. I am the proud mother of a daughter and son via gestational surrogacy and I will happily answer your questions and share my personal experiences as an Intended Parent.” -- Nicole

nicole@kinseylawgroup.com

[Schedule a Call with Nicole](#)