

Gestational Surrogacy: A Comprehensive Overview of the Process, Benefits and Considerations

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ABSTRACT

Gestational surrogacy is an Assisted Reproductive Technology (ART) option in which a woman, known as the "gestational surrogate," carries and delivers a child for another individual or couple. Unlike traditional surrogacy, where the surrogate's egg is used, in gestational surrogacy, the surrogate has no genetic link to the child. The embryo implanted in the surrogate's uterus is created using the egg and sperm of the intended parents (or donors). This type of surrogacy has become a popular choice for couples facing infertility or medical conditions that prevent pregnancy. In this article, we will explore the gestational surrogacy process, its benefits, legal and ethical considerations and the emotional impact for both surrogates and intended parents.

Keywords: Gestational surrogacy; Pregnancy; Medical conditions; Uterus

INTRODUCTION

Gestational surrogacy is a reproductive arrangement where a woman agrees to carry a pregnancy for another individual or couple. The key distinction between gestational surrogacy and traditional surrogacy is that the surrogate in the former has no genetic relationship to the baby she carries. Instead, the embryo is created using an *In vitro* Fertilization (IVF) procedure, where an egg and sperm (either from the intended parents or donors) are combined in a laboratory to create an embryo. The embryo is then transferred into the surrogate's uterus for gestation.

Gestational surrogacy is typically chosen when a woman is unable to carry a pregnancy due to medical reasons, such as:

Health conditions: Chronic medical conditions like heart disease, diabetes or severe obesity.

Uterine problems: Conditions such as absent or poorly developed uteruses (e.g., Asherman syndrome) or previous complications like multiple miscarriages.

Infertility: Female infertility where the woman's ovaries are unable to produce healthy eggs for fertilization.

Same-sex male couples: Couples where neither partner can carry a pregnancy due to their biological sex.

DESCRIPTION

The gestational surrogacy process

Gestational surrogacy involves several stages, from selecting a surrogate to the birth of the child. Here's a breakdown of the typical process:

Selecting a surrogate: The first step in the gestational surrogacy process is selecting the surrogate. There are two primary ways intended parents find a surrogate:

- Independent surrogacy
- Agency-assisted surrogacy

The selection process often involves a detailed evaluation, including medical screenings, psychological assessments and background checks. The surrogate must be physically and emotionally prepared to carry the pregnancy for someone else.

Legal agreements: Before starting the IVF process, both the intended parents and the surrogate must enter into a legally binding contract that outlines their rights, responsibilities and expectations. This contract covers a range of issues, including:

- Financial compensation (if applicable).
- The rights of the intended parents regarding custody of the child.

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- The surrogate's medical responsibilities and health care decisions.
- The conditions under which the surrogacy arrangement may be terminated.

Having legal representation for both parties is essential to ensure that the arrangement is clear, fair and legally sound.

Egg and sperm retrieval: Once the surrogate is chosen and the legal contracts are in place, the next step is the process of creating the embryo. If the intended mother is unable to produce healthy eggs, egg donation may be used. Similarly, sperm may come from the intended father or a sperm donor.

The woman providing the eggs undergoes ovarian stimulation, where hormones are given to increase egg production. Once the eggs are mature, they are retrieved through a minor surgical procedure. Meanwhile, sperm is collected from the intended father or a sperm donor.

Embryo creation and implantation: The eggs and sperm are combined in the laboratory through *In vitro* Fertilization (IVF). The resulting embryos are cultured for several days and one or more embryos are selected for transfer into the surrogate's uterus.

The surrogate undergoes hormonal treatments, typically with estrogen and progesterone, to prepare her uterus for embryo implantation. The embryo transfer is a relatively simple procedure, where the selected embryo is placed into the surrogate's uterus using a thin catheter.

Pregnancy confirmation and monitoring: After the embryo transfer, the surrogate will undergo a blood test to confirm pregnancy. If the pregnancy is successful, the surrogate will be monitored closely for the first trimester to ensure the pregnancy progresses without complications. Ultrasounds and additional blood tests will be performed to check fetal development and overall health.

Pregnancy and birth: Once the pregnancy is confirmed and the surrogate has carried the pregnancy to term, she will give birth to the child. The intended parents are typically present for the birth and will take custody of the child shortly after delivery. In many cases, the surrogate has no further legal or parental rights to the child, as the intended parents are considered the legal parents.

In some jurisdictions, parental rights are established before birth, while in others, the intended parents may need to go through a formal legal process, such as a pre-birth order or adoption, to establish legal parentage.

Benefits of gestational surrogacy

Fulfilling parenthood: Gestational surrogacy provides an opportunity for couples and individuals who cannot conceive or

carry a pregnancy to have a biological child. This is especially important for same-sex male couples and women with fertility or medical issues.

Genetic connection: Since the baby is created from the intended parents' eggs and sperm (or donated gametes), the intended parents maintain a genetic link to the child, which can be important for many families.

Health of the surrogate: Gestational surrogacy may offer a safer option for women who have conditions that prevent them from carrying a pregnancy but who can still produce healthy eggs. The surrogate is selected based on her health, age and suitability for pregnancy, ensuring a better chance of success.

Ethical and legal considerations

Legal status of the child: The legal framework surrounding gestational surrogacy varies widely by country and even by region. In some areas, the intended parents may need to legally adopt the child or undergo a parental rights determination process. In other jurisdictions, legal parentage may be automatically granted to the intended parents once the child is born.

Ethical concerns: There are ethical debates surrounding surrogacy, including concerns about the potential exploitation of women, particularly those from economically disadvantaged backgrounds. Ethical surrogacy practices require ensuring that surrogates are fully informed, consent to the process willingly, and are compensated fairly without being coerced.

Disagreements and conflicts: While legal contracts are put in place to prevent conflicts, disagreements between the surrogate and the intended parents can still arise. These may involve issues such as selective reduction, abortion or changes in the surrogate's desires after the pregnancy begins. Clear communication and legally sound contracts are essential for preventing such conflicts.

CONCLUSION

Gestational surrogacy is a life-changing option for many individuals and couples who are unable to conceive or carry a pregnancy due to medical, genetic or personal reasons. While the process involves careful planning, legal agreements, medical procedures and emotional considerations, it offers a unique opportunity to experience parenthood for those who otherwise might not be able to have a biological child. As with any assisted reproductive technology, gestational surrogacy requires careful thought, clear communication and professional support to ensure that the arrangement is successful, ethical and beneficial for everyone involved.