



FAMILY FORMATION OPTIONS

SPEAKING TO SPINA BIFIDA ASS'N OF NORTH TEXAS

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WHAT IS FAMILY FORMATION LAW?

- **Adoption**
- **Surrogacy**
 - Traditional
 - Gestational
- **Gamete Donation**
 - Eggs
 - Sperm
 - Embryos



ADOPTION – DIFFERENT TYPES

- Domestic v. International
 - Domestic – adoption laws vary by state
 - International – becoming more limited, requires an accredited adoption service provider
- Intrastate v. Interstate - ICPC
 - Interstate Compact for the Placement of Children
- Private v. Agency
 - Not all states allow private
 - TX does not allow financial assistance in private
 - In TX, only licensed agencies can “match”
- Private Agency v. CPS (Foster to adopt)



ADOPTION - HOMESTUDY

Every adoption requires an adoption evaluation (aka homestudy) be conducted on the prospective adoptive parents and their home.

Medical “clearance” (as to ability to parent, etc.) is required but I have been assured that spina bifida in and of itself would not bar adoption.



ADOPTION – LEGAL PROCESS

Two step legal process:

1st- Termination of Parental Rights (of the birth parents) – if uncontested, typically takes about 2 months or slightly longer

2nd- Final Adoption – after child has been residing in your home for at least 6 months (with some slight wiggle room) – includes name change and this is when birth certificate is amended, etc.



SURROGACY

Traditional Surrogacy

- Surrogate is genetic mother
- Does NOT meet Texas' statutory requirements so requires termination of surrogate's parental rights – HIGH RISK, NOT RECOMMENDED
- If Intended Father's sperm is used, can establish his paternity (by court or acknowledgment of paternity) and then adoption for spouse
- If donor sperm used, then both intended parents have to adopt
- Surrogacy Agreement still important – evidence of intent



SURROGACY

Gestational Surrogacy

- ❑ Surrogate's eggs NOT used – can be Intended Mother's egg or donor egg
- ❑ Married or individual Intended Parent(s)
- ❑ Requires “medical evidence” that Intended Mother cannot conceive or carry to term safely – I do a simple affidavit for doctor
- ❑ Gestational agreement must be signed at least 14 days prior to transfer
- ❑ Validate agreement through court to get pre-birth order – so IPs listed on original birth certificate



GAMETE DONATION

- ❖ Eggs/sperm/embryos
- ❖ By law, donor's are not parents – but to be a donor, must go through doctor's office
- ❖ Donor agreements important and should include agreement for use of donated eggs/sperm/embryos with gestational carrier



RESOURCES

Academy of Adoption and Assisted Reproduction Attorneys (www.adoptionattorneys.org)

Adoption agencies I represent: Adoption Choices of Texas (www.adoptionchoicesoftexas.org) and Hope Cottage (www.hopecottage.org)

Or just call or email me: 214-935-3310 or Jenny@WomackAdoptions.com



THANK YOU



Jenny L.

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ATTORNEY & MEDIATOR

