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## Third-party reproduction demands specialization

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If you are a family law attorney, physician or health care practitioner dealing with someone considering utilizing third-party reproduction and IVF to create a family, you must make certain that they are represented by an attorney that concentrates exclusively in this area and who has the experience to back up their advice.

More specifically, several recent court cases have created a media storm, such as the *Roman v. Roman* case in the state of Texas where the now divorced couple is fighting over their frozen embryos. Whatever the outcome in this matter, these cases suggest a need to review the sufficiency of existing protocols, consents and documentation in light of the current uncertainties in the law in most states. The possibility of facing these issues in your own practice makes the proper advice and education so important. Together, we must promote that third-party reproduction and IVF are not adventures that one travels alone; instead, it should be seen as a journey that must be properly planned out before any cycle commences.

In fact, patients must consider an attorney who is experienced, dedicated and caring, not just an attorney who believes they can draft up this sort of agreement with only minimal guidance. The attorney's staff must also be caring and compassionate, because they are often the ones whom patients will call when they are depressed, angry, upset or just need to talk. The attorney should be able to both advise them and counsel them in this very delicate, yet legally confusing, area of their life. In fact, promoting the use of counsel can help health practitioners sleep at night knowing their patients have had effective counsel.

Furthermore, considering third-party reproduction, whether surrogacy, egg donation or embryo donation, can certainly be an emotionally daunting task for anyone. Your patients must not only face their own inability to carry a child; they must also face the fact that someone else will be carrying their child for nine long months. Furthermore, they will need to both understand and learn to trust that person with their most precious cargo. Even with egg, sperm and embryo donation, they must learn to face that the child they (or their surrogate) will be carrying is not genetically their own ... but a child who will be cherished by them and their loved ones all the same.

Prospective parents must protect themselves, as well as their surrogates and donors, by working together with a team of professionals who can guide them as they begin and continue their most wonderful journey. Just as you would not try to climb Mount Everest without the proper training, supplies and guide; third-party reproduction and IVF are not something you should direct your patients to without making certain they have the proper help and guidance from those who are experienced, dedicated and professional.

Contact Theresa M. Erickson directly at (858) 748-4133 or [terickson@ericksonlaw.net](mailto:terickson@ericksonlaw.net) for a free consultation.

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