

# Surrogacy

## A Route To Parenthood In Ireland

6th Edition 2024

Health Assisted Human Reproduction Legislation



Fertility  
Law Ireland™



Poe Kiely  
Hogan Lanigan  
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# Welcome

27 June 2024

I am delighted to welcome you to the 6th edition of our surrogacy information ebook **“Surrogacy: A Route to Parenthood in Ireland”**. The publication of this edition coincides with the Health Assisted Human Reproduction Bill (“the legislation”) making its way through the final stages of the legislative process.

Some of the amendments that advocacy groups had sought and campaigned for are not included in the legislation. The Minister for Health informed the Seand yesterday that it’s his intention to include provisions in the September supplementary amending bill providing for the exercise of some judicial discretion by the High Court in considering parental order applications, including discretion regarding the surrogate habitual residence requirement provisions and discretion in exceptional circumstances to waive the requirement to receive the consent of the surrogate and other parent to the granting of the order.

He also confirmed his intention that the recognition by the State of parentage established in another jurisdiction and of children born in that jurisdiction to Irish citizens living in that jurisdiction will also be included in the September bill.

This ebook is intended to inform and guide intending parents plan their surrogacy journeys. The information in this ebook is correct at the date of publication. Please note that this ebook should not be relied upon or construed as legal advice. We advise all intending parents to get independent legal advice with an independent lawyer in the surrogacy jurisdiction and with their Irish surrogacy solicitor before starting their surrogacy journey.

After the legislation is enacted we will await the commencement of the past surrogacy arrangement provisions. These provisions will, subject to the surrogacy arrangement complying with the legislative provisions, provide for the first time in Ireland a legal route to parenthood for both parents.



After the **Assisted Human Reproduction Regulatory Authority** ("the **AHRRRA**") is established intending parents will be required to receive pre-conception authorization from the Authority before proceeding with a permitted international or domestic surrogacy arrangement. The legislation as currently drafted does not include provisions that detail the requirements and procedures that intending parents must comply with to apply for parental orders for past surrogacy arrangements where embryo transfers take place during the time between the commencement of past surrogacy provisions and the establishment of the AHRRRA.

If you have any queries regarding the legislation and would like to discuss your surrogacy plans and options please contact me or a member of our surrogacy and fertility law team.

A handwritten signature in purple ink that reads 'Annette'.

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# Chapter 1

## GENERAL INFORMATION

# General Information

A surrogacy arrangement is an agreement between a woman and intending parents under which the woman agrees to become pregnant by use of an egg other than her own and, if successful, transfer parentage of any child born as a result of the pregnancy to the intending parents.

When a child is born via surrogacy, whether in Ireland or overseas, the surrogate is recognized as the only parent and automatic guardian of the child at birth. If she is married there is a presumption that her husband is the child's father. This presumption is rebutted after DNA tests prove that the intending father is the biological father of the child and that the surrogate's husband has no biological relationship with the child.

There are currently no international agreements which govern the minimum standards surrogacy arrangements must meet. Any intending parent considering pursuing an international surrogacy journey must remember that they and any child born as a result of a surrogacy arrangement will in Ireland be subject to Irish law.

## Pre enactment of legislation - the legal status of parties:

1. The surrogate, being the woman who gives birth, is the only automatic legal parent and guardian of the child at birth.
2. If the surrogate is married her husband is presumed to be the child's father until a DNA test results rebuts that presumption.
3. The intending father who is biologically related to the child is entitled to apply to the Court for a Declaration of Parentage, Guardianship, Custody and an Order dispensing with the necessity to seek the consent of the surrogate to the issuance of an Irish passport.
4. If there is a biological relationship between the intending mother and the child, this is not recognized.
5. The non-biological parent is not legally recognized and does not have any legal entitlement to apply for a Declaration of Parentage. After sharing the day to day care and rearing of the child with the biological parent for two years they are eligible to apply to the Court for a guardianship Order.
6. The surrogate continues to be the child's parent and guardian throughout the child's life.

## **After the enactment and commencement of past surrogacy provisions in legislation: The legal status of parties:**

1. The surrogate, being the woman who gives birth is the only automatic legal parent of the child at birth.
2. There must be a biological link between the child and one or other of the intending parents. This biological link can be the biological relationship with the intending mother and the child and / or intending father and the child.
3. Once there is a biological link with either intending parent, both intending parents can list an application before the High Court for parental orders.
4. The surrogate's parental legal relationship with the child is severed after the parental order is granted and she no longer has any legal relationship with the child.

When these past surrogacy arrangement provisions in the legislation commence the child must be born or the intending parents must have both a signed agreement with their surrogate and an embryo transfer must have taken place prior to the date.

If the surrogate is married her husband continues to be presumed to be the father of the child until a DNA test proves that the intending father is the biological father. The legislation does include provisions that remove this presumption after the AHRRA is established in international surrogacy arrangements.

The legislation does not include any provisions which provide detail regarding birth certificates or surrogacy certificate's of children born through surrogacy after the legislation is enacted and commenced.

The legislation does not include any provisions which provide any detail regarding maternity benefit, maternity leave or the entitlement of intending parents to social protection or employment protection after the legislation is enacted and commenced.

# Chapter 2

## DOMESTIC SURROGACY



## DOMESTIC SURROGACY

In a domestic surrogacy arrangement the surrogacy arrangement and birth of the child takes place in Ireland.

There are currently no residence requirements for the intending parents or a surrogate when a Declaration of Parentage application is listed before the Irish Court. The child must be habitually resident in Ireland in order for an application for a Guardianship Order to be listed. The past surrogacy arrangement provisions require that both the surrogate and intending parents must be for not less than one year (or such longer period as may be prescribed) habitually and lawfully resident in Ireland prior to entering into a surrogacy agreement. After the Assisted Human Reproduction Regulatory Authority is established the resident requirements increase from one to two years.

The embryo transfer for all but very few domestic surrogacy arrangements currently take place in fertility clinics outside of Ireland. After the birth of the baby, the surrogate together with the biological father can apply to have both of their names listed on the birth certificate.

### Domestic Surrogacy Agreement

A domestic surrogacy agreement is a document signed by the surrogate and intending parents before assisted human reproduction treatment takes place. The agreement includes details of all matters associated with the surrogacy arrangement. Both parties should have received independent legal advice prior to signing a domestic surrogacy agreement. The responsibility and obligations of the parties to a domestic surrogacy agreement are not enforceable in an Irish Court. The process of discussing and agreeing the terms of the agreement concentrates the intending parents' minds and the surrogates mind regarding the various issues that could occur, encourages discussion between the parties and ensures that before the domestic surrogacy agreement is signed, all parties are in full agreement regarding all possible issues and matters that could arise throughout the surrogacy before any treatment has commenced.

After the legislation is commenced, the surrogate will continue to be recognized as the child's only legal parent at birth. After birth the surrogate and intending parents can swear a declaration where they agree to the intending parents being guardians of the child from birth with the surrogate. The surrogate's husband is no longer presumed to be the child's father.

The biological link between the child and the intended parents can be with either the female intending parent or male intending parent. This biological link is essential before the intending parents can list an application to the Court for parental orders.



For More Information Please Visit The  
**Domestic Surrogacy Knowledge Centre**  
On Our Website

The Court will, subject to the application complying with the legislative provisions, receipt of the required consents to the application and after judging the order to be in the best interests of the child, grant the parental order to the intending parents. The effect of the grant for parental order is the transfer of parentage of the child from the surrogate to the intending parents. Where the biological father has applied for and received his Declaration of Parentage previously from the Court, the grant of the parental order to the intending parent will not affect his order or parental relationship with the child. The application for parental orders pursuant to the “past domestic surrogacy arrangement provisions in the legislation must be listed before the Court no later than three years from the date of commencement of the provision or six months from the date of birth of the child, whichever is the later. This means that if the application is not listed within that time period, the application for a parental order cannot thereafter be applied for.



Please see **Chapter 4** for more information on the Court Process required after the birth of a child through Domestic Surrogacy.

There are currently no provisions in the Bill that provide details of the requirements and procedures that must be complied with by intending parents where embryo transfers take place after the commencement of past surrogacy arrangements provisions and before the establishment of the Authority.

After the AHRRA has been established a pre-conception approval authorization will be required from the AHRRA before the parties can proceed with a permitted surrogacy arrangement.

# Chapter 3

## INTERNATIONAL SURROGACY

## INTERNATIONAL SURROGACY

In an international surrogacy arrangement the surrogacy arrangement and birth of the child takes place in a surrogacy jurisdiction outside of Ireland.

Irish intending parents living in Ireland who undertake surrogacy in another country may be subject to two sets of laws which they should comply with:

1. Irish surrogacy laws
2. Laws in the country in which the surrogacy arrangement takes place

Intending parents should make sure they understand and are aware of the legislative provisions, procedures and requirements their surrogacy arrangement should comply with both in Ireland and the surrogacy jurisdiction.

Its essentially important that before intending parents start their international surrogacy journey they have confirmed that they are eligible to pursue surrogacy in the surrogacy jurisdiction and they know how their baby will get home.

If your baby is entitled to a passport from the country of birth, your lawyer in that country should provide you with advice and guidance on the procedure that needs to be followed in order to apply for that passport. Its important that its clarified whether there are any Irish immigration visa requirements that you need to comply with.

If your baby will need an emergency travel certificate from the Department of Foreign Affairs its essential that you have read the guidance document for Irish couples pursuing surrogacy arrangements abroad published in 2012 by the Department of Justice. The biological parent must be an Irish citizen. If the biological parent is not an Irish citizen they are not eligible to apply for an ETC for their baby. Each application to the Department of Foreign for an ETC is reviewed by the Department of Foreign Affairs on its own merits and own factual situation. The Department of Foreign Affairs will issue their documentary requirements to intending parents. If the biological father is an Irish citizen but was not born in Ireland the baby's birth must be registered with the foreign birth registration after the Irish Court order is granted before an application for an Irish passport will be processed.

The Department of Foreign Affairs recognise the DNA test result from Ormond Quay Paternity Services when considering an application for an ETC. The DNA test result from Ormond Quay Paternity Services is also recognised by the Irish Court as evidence of a biological link.



For More Information Please Visit The  
**International Surrogacy Knowledge Centre**  
On Our Website

The baby's birth certificate will issue from the registrar in the surrogacy jurisdiction where the baby is born. The birth certificate from the surrogacy jurisdiction is not recognised as legal proof of parentage in Ireland. Birth certificates can name the surrogate and biological father or both intending parents. This varies and is dependent on the local law and regulations in the surrogacy jurisdiction.

Intending parents should have written confirmation before they start their international surrogacy journey of who will be responsible for obtaining their babies birth certificate, translating, notarizing and apostilling documents, arranging attendance of the surrogate at the DNA test (if you are applying for an ETC), supporting you with finalising and submitting the necessary documentation to the Department of Foreign Affairs for an ETC.

### **Agencies & Intermediaries**

Agencies and intermediaries are usually not subject to regulation. The agreements you sign with the agency may not have any binding or legal effect. An agency representative may make promises to intending parents, may give sweeping legal reassurances about the legal status of your surrogacy arrangements in the surrogacy jurisdiction, may encourage you to move forward with your surrogacy journey without first receiving independent legal advice from a surrogacy solicitor in Ireland and an independent lawyer in the surrogacy jurisdiction. If your agency representative suggests that you seek legal advice from a particular lawyer you need to get confirmation that the suggested lawyer is not associated or connected with the agency in any way and hasn't previously and doesn't currently benefit from any financial arrangement with the agency. You can't take at face value what you read about an agency or intermediary, unfortunately some of the posts and testimonials from parents on the agency's website or in the various forums may have been generated by the agency themselves.

We have listed below some of the important information intending parents should make sure they understand and are aware of. International surrogacy is a complex , intending parents are very strongly advised to seek legal advice from an experienced surrogacy solicitor in both the country of birth and Ireland before starting a surrogacy journey.

## Checklist

1. Make sure you are fully aware of and understand the legal status of surrogacy in the country of birth. Is there surrogacy legislation in the country, is surrogacy regulated or unregulated?
2. Make sure you are fully aware of and can comply with any legal procedures required in the country of birth.
3. Make sure you complete your due diligence regarding the agency or intermediary ( if any) Where are they registered? Does your agreement with the agency/ intermediary provide you with any legal protection in the country of birth?
4. Make sure there is full transparency that each party who is due receive payments made by you as provided for in your surrogacy arrangement does actually receives the payment.
5. Make sure you complete your due diligence regarding the fertility clinic. Is there a regulatory body in that jurisdiction that provides oversight and regulates the activities of clinic? Is the clinic registered with such regulator body?
6. Make sure your surrogate has available to her and receives counselling before, during and after the birth.
7. Make sure your surrogate has available to her and receives independent legal advice before, during and after the birth?
8. Make sure you are satisfied that the practice of surrogacy is ethical in the surrogacy jurisdiction and that the surrogates welfare is safeguarded throughout (see checklist attached).
9. Make sure you understand how long you can expect to be in the surrogacy jurisdiction after your baby is born before travelling home.
10. Make sure you understand the nationality of your child at birth.
11. Make sure you fully understand the travel documents required for your baby to travel home to Ireland.
12. Make sure you can comply with requirements to enable you apply for and receive and emergency travel certificate for your baby.
13. Review the Department of Foreign Affairs travel advice referable to that surrogacy jurisdiction, seek confirmation as to whether there is an Irish embassy and/or Honorary Consul in that country.
14. Make sure you have taken legal advice from an experienced surrogacy solicitor in Ireland, that the process of applying to the Irish Court for parental orders has been explained to you and that you have agreed the level of legal costs and fees associated with this application with the solicitor.
15. Make sure that you have full written details of all costs, fees and payments associated with your international surrogacy journey.

The legislation confirms that the surrogate has the same rights during the pregnancy as a woman who is not a surrogate to manage all aspects of her health, to privacy and confidentiality. In addition to all of the information that intending parents will require from their agency/ clinic regarding the health, well being and welfare of their surrogate, we would suggest that intended parents should request that the agency/ clinic address and answer the questions below:

1. What counselling/ medical care, treatment and support is available to your surrogate as she prepares for embryo transfer and during the pregnancy?
2. What medical care and support is available to your surrogate locally in the regional area where she lives?
3. Are all of your surrogate's maternity clothing, nutritional supplements, transport costs, childcare costs, independent legal advice costs, counselling and all other necessary and additional supports and costs associated with her pregnancy included in the surrogacy program cost?
4. What type of accommodation is provided for your surrogate pre-birth near the maternity hospital?
  - a. Will she be asked to share with other surrogates?
  - b. Will her children (if she has children) be with her, if not, what childcare arrangements are being made for the care of her children?
  - c. Provide confirmation that the accommodation has been assessed as being suitable for a pregnant woman, for example, access to medical care facilities, access to transport to go to hospital, lifts within the accommodation, stairs, etc.
5. What transport arrangements are provided for your surrogate to travel to and from medical appointments throughout the pregnancy, to travel to the hospital for the delivery, to travel from the hospital to the local accommodation provided for her after delivery and to travel from that accommodation back to her home residence?
6. Has the birth plan been discussed and agreed with the surrogate?
7. Confirm that pain relief, including epidural, will be available and provided if requested by the surrogate.
8. Provide full details of the pre and post-natal room and facilities within the hospital provided for the surrogate. Will the surrogate be staying in a ward pre or post-delivery? Will she have her own room? Is an ensuite available?
9. Provide details of the post-birth medical care that the surrogate will receive within the hospital following either a natural or c-section delivery.
10. Provide details of the post-birth follow-up medical care provided for the surrogate following either an actual c-section delivery or up for the following bill of details of medical check-ups after she returns home to her family.
11. Provide details of post-birth counselling and support services that are available to be accessed upon request from the surrogate.

After the legislation commences the biological link between the child and the intending parents can be with either the female intending parent or male intending parent. This biological link is essential before the intending parents can apply to list an application to the Court for parental orders.

The responsibilities and obligations of intending parents and surrogates as detailed in an international surrogacy agreement are not enforceable in Ireland.

After the establishment of the **AHRA** all surrogacy arrangements must be altruistic. Commercial surrogacy arrangements are prohibited. The surrogate should only receive reimbursement of her reasonable expenses associated with becoming or trying to become pregnant, pregnancy or birth and entering into a surrogacy arrangement. An expense is reasonable if it's actually incurred and the amount of the expense can be verified by receipt or other documentation.

There are currently no residence requirements for the intending parents or a surrogate when a Declaration of Parentage application is listed before the Irish Court. The child must be habitually resident in Ireland in order for an application for a Guardianship Order to be listed. The past international surrogacy arrangement provisions require that the surrogate must be for not less than one year (or such longer period as may be prescribed) habitually and lawfully resident in the surrogacy jurisdiction prior to entering into a surrogacy agreement and the intending parents must be for not less than one year habitually and lawfully resident in Ireland. After the AHRA is established the resident requirements increase from one to two years.

After the legislation commences the Court will, subject to the application complying with the legislative provisions, receipt of the required consents to the application and after judging the order to be in the best interests of the child, grant the parental order to the intending parents. The effect of the grant for parental order is the transfer of parentage of the child from the surrogate to the intending parents. Where the biological father has applied for and received his Declaration of Parentage previously from the Court, the grant of the parental order to the intending parent will not affect his order or parental relationship with the child. The application for parental orders pursuant to the "past international surrogacy arrangement provisions in the legislation must be listed before the Court no later than three years from the date of commencement of the provision or six months from the date of birth of the child, whichever is the later. This means that if the application is not listed within that time period, the application for a parental order cannot thereafter be applied for.

There are currently no provisions in the Bill that provide details of the requirements and procedures that must be complied with by intending parents where embryo transfers take place after the commencement of past surrogacy arrangements provisions and before the establishment of the AHRA.

After the AHRA has been established a pre-conception approval authorization will be required from the AHRA before the parties can proceed with a permitted international surrogacy arrangement.



## **THE COSTS OF ASSOCIATED WITH AN INTERNATIONAL SURROGACY ARRANGEMENT INCLUDE THE FOLLOWING:**

1. The reimbursement of the surrogates reasonable expenses of becoming or trying to become pregnant, pregnancy and birth, entering into the surrogacy arrangement, loss of earnings and all costs as detailed in the surrogacy agreement.
2. Assisted human reproduction fertility treatment costs.
3. Medical expenses:
  - a. Hospital fees, pre natal care.
  - b. Health or medical insurance for the surrogate.
  - c. NICU insurance for baby.
4. Agency fees.
5. Travel and accommodation costs.
6. Costs associated with DNA test.
7. The surrogates legal fees and expenses.
8. The intending parent legal fees expenses.

Intending parents should seek written confirmation from their agency/ clinic coordinator or their solicitor in the surrogacy jurisdiction that any possible unexpected and unanticipated additional costs and expenses have been disclosed to them before they start their surrogacy journey.

We are acutely aware that intending parents need clear, transparent advice on Irish legal fees and costs as soon as is possible. After we have an initial consultation with intending parents and have a clear understanding of the legal service, guidance and advice required we will provide the intending parents with a letter explaining the legal fees that we will charge for the services that we will provide and at what stage during the process payment will be requested.

# Chapter 4

## THE COURT PROCESS

## THE COURT PROCESS

### **The process before past surrogacy arrangement provisions are enacted and commenced.**

Pending the enactment and commencement of legislative provisions that provide for applications to the High Court for parental orders for intending parents the issue of legal parentage of children born through surrogacy involves an application to the Irish Court under other family law legislation. The application must include a DNA test result evidencing the biological link between the child and the biological father. The surrogate cannot be biologically related to the child.

The biological father applies for a declaration of parentage, guardianship and custody orders and also an order dispensing with the necessity to seek the surrogate's consent to the issuance of an Irish passport for the child. The Court proceedings are served on the surrogate, her husband (if she is married), their independent lawyer and the Irish Chief State Solicitors office. If the surrogate's native language is not English the proceedings must be translated into her native language by a certified translator before they are explained to her by her independent lawyer. The Chief State Solicitors Office represents the Attorney General in the court proceedings. After service of proceedings on the Chief State Solicitors office they will issue a list of the documents and proofs that they require. Currently these applications can be listed in the Circuit Court or the High Court.

The second intending parent (non biological parent) can not apply for a declaration of parentage. After the second parent has shared the day to day care and rearing the child with the biological parent they can apply to the Court to become a guardian of the child.

### **The process after past surrogacy arrangement provisions are enacted and commenced**

**Past surrogacy arrangements** - both the agreement with the surrogate has been signed and the embryo transfer must have taken place before these provisions commence.

These applications will be listed before the High Court. The application must include a DNA test result evidencing the biological link between the child and at least one of the intending parents. The surrogate cannot be biologically related to the child.

The intending parents apply for parental orders. The Court proceedings are served on the surrogate, her independent lawyer and the Irish Chief State Solicitors office.

If the surrogate's native language is not English the proceedings must be translated into her native language by a certified translator before they are explained to her by her independent lawyer. The Chief State Solicitors Office represents the Attorney General in the court proceedings. After service of proceedings on the Chief State Solicitors office they will issue a list of the documents and proofs that they require.

The High Court may grant a parental order if satisfied that the past surrogacy arrangement complies with the legislative provisions, the intended parents, the surrogate and the child born through the surrogacy arrangement (subject to the age of the child) all consent to the granting of the parental order, the intending parents and surrogate comply with the residence requirements and the court determines that the granting of the order is in the best interests of the child. The consent must be voluntarily given and only after the person has received independent legal advice about the legal implications of giving such consent. The Court may waive the consent requirement if the person is deceased, can't be located after reasonable efforts have been made or the person lacks the capacity to provide consent. In considering what is in the child's best interest the Court will have regard to the child's age, maturity, the physical, psychological and emotional needs of the child, the likely effect of the granting of the parental order on the child, the child's social, intellectual and educational needs, the child's upbringing and care, the child's relationship with his or her intending parents and any other particular circumstances pertaining to the child.

The effect of the grant for parental order is the transfer of parentage of the child from the surrogate to the intending parents. Where the biological father has applied for and received his Declaration of Parentage previously from the Court, the grant of the parental order to the intending parent will not affect his order or parental relationship with the child. The application for parental orders pursuant to the past surrogacy arrangement provisions in the legislation must be listed before the Court no later than three years from the date of commencement of the provision or six months from the date of birth of the child, whichever is the later. This means that if the application is not listed within that time period, the application for a parental order cannot thereafter be applied for.

There are currently no provisions in the Bill that provide details of the requirements and procedures that must be complied with by intending parents where embryo transfers take place after the commencement of past surrogacy arrangements provisions and before the establishment of the Authority.

The application for a parental order must be made not later than three years after the commencement of the provision in the Act or six months from the birth of the child, whichever is the later. This time can be extended by Court if there are exceptional circumstances or so doing or it is in the best interests of the child.

When the Court grants a parental order the parentage of the child born through surrogacy is transferred from the surrogate to the intending parents. However this parental order does not affect any order previously made granting a declaration of parentage in respect of the biological parent.

**Note: This section does not include detail about the parental order process for permitted surrogacy arrangements following pre conception approval after the Assisted Human Reproduction Regulatory Authority has been established**

# Chapter 5

## THE ASSISTED HUMAN REPRODUCTION REGULATORY AUTHORITY (“the AHRRA”)

## THE ASSISTED HUMAN REPRODUCTION REGULATORY AUTHORITY ("the AHRRA")

After the **AHRRA** is established intending parents will be required to apply to the AHRRA for pre-conception approval for a permitted surrogacy arrangement before any assisted human reproduction treatment takes place.

The **AHRRA** may after consultation with the Minister for Health and Minister of Foreign Affairs by order approve a surrogacy jurisdiction in which international surrogacy may be undertaken. Included in the issues that will be considered in deciding whether a surrogacy jurisdiction will be approved is a consideration of the law in the jurisdiction relating to surrogacy including whether or not commercial surrogacy is permitted, whether the intending parent is required to be resident or domiciled in the jurisdiction, the ability of the AHRRA to monitor compliance with the provisions of the legislation of an international surrogacy arrangement undertaken in that jurisdiction, the law relating to military or potential civil or military actions, the law in the jurisdiction relating to medical professionals undertaking surrogacy in the jurisdiction, the law in the jurisdiction relating to intermediaries, whether there is a regulatory authority providing oversight of intermediaries in the jurisdiction and the extent to which the rights for pregnant women including surrogates as regards their health, privacy and bodily autonomy.

The **AHRRA** must be satisfied that the surrogacy the subject of the surrogacy agreement is a permitted surrogacy and that the arrangement complies with the requirements listed in the Act including:

1. The surrogacy jurisdiction is an approved surrogacy jurisdiction.
2. The surrogate mother meets the requirements specified in the legislation.
3. The intended parents meet the requirements specified in the legislation.
4. The surrogacy arrangement is not a commercial surrogacy arrangement.
5. The personal details of the intending parents, the surrogate, the relevant donor (if applicable) and any child born as a result of the surrogacy arrangement are provided and recorded with the National Surrogacy Registrar.
6. The agreement meets all the requirements for surrogacy agreement in the surrogacy jurisdiction.

The fertility clinic/ AHR treatment provider must provide an undertaking to the AHRRA that the treatment provided pursuant to the agreement will only involve the transfer of a single embryo.

The intending parents must undertake that they will apply to the Court for a parental order in respect of any child born pursuant to the surrogacy agreement.

The AHRRA will not provide a pre-conception approval authorisation if they are not provided with evidence that both the surrogate and intended parents have received AHR counselling and independent legal advice, that the intended parents, surrogate and relevant donor (if applicable) haven't voluntarily provided their informed consent to the recording of their information with the National Surrogacy Registrar and the AHRRA hasn't received an assessment that satisfies the AHRRA that the intending parents don't present a potentially significant risk of harm or neglect to the child who will be born through the surrogacy arrangement or any other child.

After a Parental Order has been granted, the Court will provide a copy of the Order to the AHRRA who will make an entry in the National Surrogacy Registrar. The entry in the registrar shall contain information in respect of the child, the surrogate, donor (if relevant) and the parents.



# Chapter 6

## MEET THE TEAM



## Meet The Team

### Surrogacy & Fertility Law Department

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# Chapter 7

## CONTACT DETAILS FOR IRISH SURROGACY SUPPORT & ADVOCACY GROUPS

## Surrogacy advocacy groups

Contact details in alphabetical order below for the Irish surrogacy advocacy groups who provide guidance, information and representation to intending parents:

### Equity for Children



[www.equalityforchildren.ie](http://www.equalityforchildren.ie)

### Irish Families through Surrogacy



[www.irishfamielsthroughsurrogacy.ie](http://www.irishfamielsthroughsurrogacy.ie)



[irishfamielsthroughsurrogacy@gmail.com](mailto:irishfamielsthroughsurrogacy@gmail.com)

### Irish Gay Dads



[www.irishgaydads.ie](http://www.irishgaydads.ie)



[info@irishgaydads.ie](mailto:info@irishgaydads.ie)

### Independent Living Movement Ireland



[www.imli.ie](http://www.imli.ie)



[info@imli.ie](mailto:info@imli.ie)

### LGBT Ireland



[www.lgbt.ie](http://www.lgbt.ie)



[info@lgbt.ie](mailto:info@lgbt.ie)

### National Support and Information Group



[www.nisig.com](http://www.nisig.com)



[contact@nisig.com](mailto:contact@nisig.com)

### Rainbow Families Equality Network



[www.rfen.ie](http://www.rfen.ie)

# Chapter 8

## SUMMARY

## SUMMARY

The Health (Assisted Human Reproduction) legislation is a highly complex piece of legislation. Regulation is one of the main tenets of the legislation. The key principle underpinning this legislation is to promote and protect the health, wellbeing and best interests of surrogates, intending parents and children born as a result of surrogacy arrangements.

It has been our privilege to work with and get to know so many amazing parents, intending parents, members of advocacy groups and politicians who have all worked tirelessly during the last number of years to introduce a legislative framework in Ireland that will be ethical, ensure all surrogates are protected from exploitation and all children are treated equally.

I hope this guide assists and helps parents through surrogacy and intending parents understand and plan for the process of undertaking a surrogacy arrangement. I hope it helps inform intending parents of issues that may arise and to plan accordingly. This guide is not a substitute for professional or legal advice by intending parents both in Ireland and in the surrogacy jurisdiction .

If you would like to find out how our surrogacy and fertility law team can help you or to talk to one of our team please do not hesitate to contact us to arrange a consultation with one of our team. Consultations can be arranged via zoom, teams or in person between 8am and 8pm ( Monday to Friday ).

Please click the link below, fill in your details and we will be in touch to organize an appointment to discuss your surrogacy options and plans.

[Get In Touch](#)

## FURTHER INFORMATION

At Poe Kiely Hogan Lanigan we also understand how difficult it can be to access relevant and accurate information. As a result, our team has taken the time to prepare numerous documents, country guides and videos to help you make informed decisions on your next steps. To access this information, please visit the Resources section on our website by clicking on the link below.

[Resources](#)