

Re: Senate Bill no. 302 in the state of Kansas

Thank you for the opportunity to testify on this important legislation. We are writing in opposition to SB 302 for many reasons, but mostly because we are parents of a child born through surrogacy.

My name is Hilary Louvar. I am a traditional mother and wife to a traditional American family, raising children with traditional values. I am offended a bill would be introduced into our legislature that would ban my husband and me from adding another member to our family through surrogacy. Our son, Griffen, was born in 2011 through a gestational carrier. He is my egg. He is my husband's sperm. He is OUR baby. The only difference between our baby and most other children, is the fact that he was carried during pregnancy in another woman's body. Our surrogate, Melissa, selflessly carried our baby to full term with the help of The Center for Reproductive Medicine in Wichita. She stepped up to help us live the dream of having a baby of our own and we're planning to have another child in 2014 with Melissa's help. If this bill passes, we will be denied our right as parents to bring another life into our family.

Being the parent of a surro baby raises a multitude of questions regarding this bill. What happens to the contract we already have in place regarding our first son? Is it considered null and void? Will one of us be fined or imprisoned for signing that contract. Will our surrogate have the right to come ask for our baby she delivered now that you want to ban the contract we agreed upon? What happens to my good friend and neighbor, who upon hearing our story of surrogacy, decided to offer to carry a baby for her sister-in-law and is now 5 months pregnant with her nephew? Will she be punished?

Senator Pilcher-Cook said she introduced this bill to begin the

discussion about surrogacy stating that she wanted to hear both sides. We could get you testimony of many surrogate mothers, family members, physicians, attorneys, and intended parents.....but we would need more time because we only found out about this bill 3 days ago.

We are the people this bill would be affecting. My husband is a devout Catholic and I was raised in a Christian home. We both attended private religious schools and were raised to respect human life. We were raised with morals and a sense of doing the right thing. I serve on the board of directors for my church. We do volunteer work for ICTSOS, a local agency bringing awareness to human trafficking. We've never been 'activists' or ever had to pursue something of this nature, but now our very dreams are on the line by a handful of individuals that don't seem to fully comprehend the concept of surrogacy. I had a partial hysterectomy in 2003 which left both ovaries but no uterus in which to carry a child. I do, however, still have all my eggs. Geoff and I were married in 2009 and immediately began researching ways we could conceive a baby of our own.

Using a surrogate is anything but simple in the state of Kansas. Before the Center for Reproductive Medicine would even begin to make plans with us on how to proceed we were asked to retain an attorney and have a legally binding contract with our surrogate. Our surrogate and her husband also retained an attorney to look over the contract making sure both parties were 100% covered. This contract covered many things we hadn't realized we even needed to think about. Our contract covered the issue of what would become of the baby if something were to happen to Geoff and myself. The contract covered what medical procedures we would want our surrogate to agree to. The contract covered topics like, loss of her reproductive organs and screening tests and miscarriage and ectopic pregnancy -- a hundred things we hadn't even began to explore prior to meeting with the attorney! The fact that we had to obtain the contract made us feel much safer going forward with our quest to have a baby. We invite you to use our contract as a template for

surrogacy laws to improve upon and we look forward to working with this committee to develop the best possible surrogacy legislation for the state of Kansas.

Not only did the Center request a copy of the contract, they also had all 4 parties involved (myself, my husband, our surrogate, and her spouse) get a psychological evaluation. We were fortunate to have The Center for Reproductive Medicine to walk us through the process. As stated previously, using a surrogate is no simple task. If the state feels that laws surrounding surrogacy are too relaxed we can show you the mounds of paperwork, tests, legal meetings, and so forth that we had to obtain before even beginning the process.

I don't see how a senator that claims to be such a strong advocate for the pro-life movement would want to abolish contracts protecting the very families that want to create life. The idea seems contradicting to us.

We also have concern about how this bill states "Any person or entity who or which is involved in, or induces, arranges or otherwise assists in the formation of a surrogate parenting contract for a fee, compensation or other remuneration, or otherwise violates this section shall be guilty of an unclassified misdemeanor and upon conviction thereof shall be fined not more than \$10, 000 or imprisoned in the county jail for not more than 1 year, or by both such fine and imprisonment." This is a pretty wide scope for punishment. This means that the pregnant gestational carrier can be imprisoned. This means the county becomes responsible for her care and the care of the baby until she is released. Does this provide what the state will do with the baby while the intended parents and the gestational carrier are all sitting in jail for a year? Foster care? I'm sure social services will be interested to hear they get a new batch of infants to place in homes because Senator Pilcher-Cook would have us imprison loving families who need to use a surrogate as means to have a baby.

The consequences of banning contracts far outweigh the positive attributes. Why aren't you searching for a narrower alternative

rather than simply fining everyone and jailing any involved parties who seek to use a surrogate? You should continue to allow surrogacy agreements if certain conditions outlined by the State are met. State laws should encourage responsible parenting, not create more obstacles for those who are truly passionate about becoming parents. Surrogacy in Kansas is not a commercial enterprise that is a major problem and in no way should it be outlawed. Kansas is home to hundreds of wonderful surrogate children. Please work on a less drastic solution to a very minor problem.

Our surrogate wrote her experience and we have attached it to our testimony so everyone can get her side of this process as well. She was unable to make it today but will be attending future hearings if this bill indeed continues.

This bill isn't pro-life, it's anti-family. This bill isn't creating 'smaller government', it's about the government adding more work load and more cost to the burden they already bear.

January 27, 2014

Senator Pilcher-Cook
Kansas State Senator
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Dear Senator Pilcher-Cook and Senate Committee Members,

I am writing to you today in regard to Senate Bill 302. I send my deep regrets and sincere apologies that I am not able to join you today during your meeting on Public Health and Welfare to discuss this bill. I do, however, want and need my voice, opinion and story to be heard. In my personal case, I can only speak to Gestational Surrogacy (GS), in which the Intended Father's (IF) sperm and the Intended Mother's (IM) ovum are used to create an embryo that is completely genetically the Intended Parents' (IPs).

Back in 2008, I started my surrogate journey by teaming up with an agency out of Minneapolis, MN. The time I worked with them was an eye opening experience into the world of surrogacy and surrogacy agencies. The time and money that it takes to use a surrogacy agency is staggering. They serve a purpose to protect both parties from a wide variety of mishaps and unforeseen complications when dealing with the enormous scope of a surrogate pregnancy.

In 2010, I met and immediately felt an instant connection with my IPs, Geoff and Hilary Louvar. We worked with the Center for Reproduction (CFR) in Wichita, KS. This was considered an "Independent" Surrogacy because no agency was used to facilitate our pregnancy. The CFR guided us through the entire process. They required us to seek independent psychological counseling, procure separate attorneys, purchase a life insurance policy for me, and draw up a contract to protect the interests of both parties. Provisions were put into place to protect me as the surrogate if I were to require bed rest, or if I were to lose my uterus in childbirth or if in the unlikely event that my IPs were to die during the pregnancy. Provisions were written to protect Geoff and Hilary's rights as the biological parents as well. Contracts, whether one is renting an apartment, buying a car or entering into a Gestational Surrogacy relationship with another family, exist to protect both parties involved, and I would be very afraid to see the results of attempting a surrogate pregnancy without a contract.

In Michigan, it is already illegal to enter into a surrogate contract. There is a case where the surrogate mother, Shelly Baker, took it upon herself to deem the fully biological IP's, Scott & Amy Kehoe, unfit by her own standards and diagnosis. She kept their twins from them. It's a scary place to be entering into any relationship where human lives and thousands and thousands of dollars are at stake. Speaking from direct personal experience, it is not the place of a surrogate who is not trained and has no professional merit to gauge whether a parent is fit or not. I would hate to see something of this nature happen in the great state of Kansas.

I also need to address a very important issue as a GS: the treatment and care of surrogates. I believe my experience is common and not an exception. As a surrogate for the Louvars, I was protected, loved, cherished and even spoiled a bit. This was not only the sentiment of Geoff and Hilary but also the treatment I received from Geoff's family, from Hilary's family and by dozens and dozens of their friends and co-workers. I accompanied Hilary to several baby showers where I was honored alongside her. I was even thrown my own "Surro" party where I was celebrated. I was never exploited or embarrassed. In fact, the CFR made doubly sure my privacy and modesty was always protected during exams and procedures. Geoff went to every single doctor appointment; even the boring ones where he had to sit in the waiting room only. The Louvars never missed a payment for any medical care. They made sure I had any medication I needed (I had bad heart burn with their son that required me to be on a medication that wouldn't fall under prescription coverage). When I wanted Claussen Pickles instead of Vlastic, they didn't hesitate to get what I asked for. They treated my husband and son like family, thanking them for all they gave up to support me in my surrogate journey. The unique bond held between my family and the Louvars is one that is not easily replicated. My family is forever changed for the better because of my surrogacy journey with the Louvars.

As a GS, I was compensated, but I didn't make millions and I am certainly not wealthy because of it. But I believe my IPs saw my compensation as a part of my care and protection. When going through the process of In Vitro Fertilization (IVF) there are dozens of appointments, countless medications to organize in addition to regular routine pregnancy care. Compensation for the time, pain and discomfort is what my IPs felt was necessary for me to properly recoup my personal investment. To not include some type of compensation would be an injustice and a true exploitation of a GS.

To be a part of something bigger than oneself is one of the most humbling and inspiring things a person can do. The moment my husband and I watched the doctors hand sweet baby Griffen to his parents is truly a highlight in my life. Being in the room and watching a dad who never thought he would have biological children of his own being handed his son for the very first time was like no other. The Louvars call me their Angel, but what they allowed me to participate in and watch happen has changed me and made me a better person. An opportunity like this to serve another family is what I was made for. Not everyone has what it takes to be a surrogate, but I truly believe I was put here on earth to help this family grow. I am writing this letter to beg for your reconsideration of Senate Bill 302 that would rob countless people like the Louvars and me of this amazing and wonderful experience.

Surrogacy IS about traditional families. Surrogacy IS about the sanctity of life. Surrogacy when, protected by law, is a beautiful and wonderful thing that can well serve the great people of Kansas.

I would be more than happy to comment further about this issue and can be contacted using the information listed below.

Respectfully,

A handwritten signature in cursive script that reads "Melissa K. Little".

Melissa K. Little
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