surrogacy360

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REGULATION DETAILS IN THE U.S. BY STATE

Note: Some U.S. states have laws that allow surrogacy contracts to be enforced in a court, which means that a court would recognize that the intended parents have parental rights and a person acting as a surrogate does not. In most states without such laws, many people enter into surrogacy contracts, but generally there must be an adoption after birth to accomplish the contract's goal. In states where no adoption is completed and a surrogacy contract is not enforceable, the person acting as a surrogate has parental rights and the intended parents often do not. Under those circumstances, everyone entering a surrogacy contract takes the risk that one of the parties to the contract will change their mind.

ALABAMA

- State law does not address whether surrogacy contracts of any kind can be enforced in court. It is not a crime to enter a surrogacy contract. Ala. Code § 26-10E-32 (2024).
- State law does not address whether a person acting as a surrogate can be compensated beyond reimbursement for expenses, but the law specifies that it is not a crime to compensate a person acting as a surrogate beyond reimbursement of expenses. Ala. Code § 26-10E-33 (2024).
- In practice, people enter gestational surrogacy contracts in Alabama, but an adoption after birth is usually required. Some surrogacy agencies and attorneys report that where there are two intended parents who are genetic parents, it may be possible to get a court order recognizing them as parents without an adoption.

ALASKA

- State law does not address whether surrogacy contracts of any kind can be enforced in court.
- State law does not address whether a person acting as a surrogate can be compensated beyond reimbursement for expenses.
- In practice, people enter gestational surrogacy contracts in Alaska, but an adoption after birth may be required. Some surrogacy agencies and attorneys report that some intended parents can get a court order recognizing them as parents without an adoption

ARIZONA

- Gestational surrogacy contracts can be enforced in court under limited circumstances.
    - Gestational surrogacy contracts may be recognized and enforced by a court only when the intended mother is a genetic parent and the person acting as a surrogate still does not want to be a parent after the child is born. Soos v. Superior Court in and for County of Maricopa, 182 Ariz. 470 (Ct. App. Div. 1 1994).
    - All other surrogacy contracts are not enforceable in court, and in these situations, a person acting as a gestational surrogate is a parent, and if the gestational surrogate is married, their spouse is presumed to be a parent. An adoption would be required to change who the child's parents are. Ariz. Rev. Stat. Ann. § 25-218 (1989).
- State law does not address whether a person acting as a surrogate can be compensated beyond reimbursement for expenses.
- Intended parents may enter enforceable surrogacy contracts regardless of whether they are married or unmarried under the limited circumstances in which surrogacy contracts are enforceable. Soos v. Superior Court in and for County of Maricopa, 182 Ariz. 470 (Ct. App. Div. 1 1994).
- Most same-sex male couples are effectively excluded from entering enforceable surrogacy contracts. Married same-sex female couples may be able to enter an enforceable surrogacy contract where one is a genetic parent. Soos v. Superior Court in and for County of Maricopa, 182 Ariz. 470 (Ct. App. Div. 1 1994).
- A single mother who is a genetic parent can enter an enforceable surrogacy contract. A single genetic father cannot enter an enforceable surrogacy contract. A single genetic father who uses surrogacy has parental rights, but the person acting as a surrogate will also have parental rights. Soos v. Superior Court in and for County of Maricopa, 182 Ariz. 470 (Ct. App. Div. 1 1994).
- In practice, people enter gestational surrogacy contracts in Arizona, even though many of these contracts cannot be enforced in court. Aside from the limited situation where surrogacy contracts are enforceable, an adoption is required.

ARKANSAS

- Gestational and genetic surrogacy contracts can be enforced in court, but the law limits which intended parents can enter an enforceable surrogacy contract.
- State law does not address whether a person acting as a surrogate can be compensated beyond reimbursement for expenses.
- Intended parents must be married to each other to enter an enforceable surrogacy contract and can only do so when the intended father is a genetic father. Ark. Code Ann. § 9-10-201 (1989)
- Same-sex intended parents should be able to enter enforceable surrogacy contracts if they are married where one is a genetic parent. The law refers to a "mother" and "father" who are married, but same-sex spouses have a constitutional right to equal access to all the rights of marriage under state law. This question has not been addressed explicitly by statute or case law. Ark. Code Ann. § 9-10-201 (1989).
- Single intended parents can enter enforceable surrogacy contracts, but a single woman may only do so if an anonymous sperm donor is used. An unmarried biological father may enter an enforceable surrogacy contract. Ark. Code Ann. § 9-10-201 (1989).

CALIFORNIA

- Gestational surrogacy contracts can be enforced in court. Cal. Fam. Code § 7962 (2020); Johnson v. Calvert, 5 Cal. 4th 84, (1993); In re Marriage of Moschetta, 25 Cal. App. 4th 1218 (1994).
- Genetic surrogacy contracts may be enforceable under limited circumstances. In Miles v. Gernstein, 110 Cal. App. 5th 88 (2025), the Third District Court of Appeals held that an oral agreement for genetic surrogacy was enforceable, where conduct of parties before and after birth of the child supported the intention of all parties that surrogate was not going to be a legal parent, and surrogate did not challenge the agreement for seven years after child was born.
- A person acting as a surrogate may be compensated beyond reimbursement of expenses.
- Intended parents may enter enforceable gestational surrogacy contracts regardless of whether they are married or unmarried. Cal. Fam. Code § 7962 (2020).
- Single intended parents may enter enforceable gestational surrogacy contracts. Cal. Fam. Code § 7962 (2020).
- Non-resident intended parents and non-resident persons acting as surrogates can only enter enforceable surrogacy contracts in California in some circumstances. Cal. Fam. Code § 7962(e) (2020).
- State law addresses some of the rights of a person acting as a gestational surrogate
    - Surrogacy contracts must disclose "how the intended parents will cover the medical expenses of the gestational carrier and of the newborn or newborns."
    - Persons acting as surrogates must be represented by independent legal counsel of their choosing, but the law does not require the intended parents to pay for counsel. Cal. Fam. Code § 7962 (2020).
- State law requires payments to persons acting as surrogates to be placed in an escrow account or trust account maintained by an attorney if a non-attorney agency or facilitator is involved. Funds paid directly to medical or mental health providers do not need to be placed in escrow. Non-attorney agencies and facilitators may not have an interest in or be an agent of the escrow company. Cal. Fam. Code §§ 7960, 7961(2020).

COLORADO

- Gestational and genetic surrogacy contracts can be enforced in court. Co. Rev. Stat. Ann. § 19–4.5–109 (2021).
- A person acting as a gestational or genetic surrogate may be compensated beyond reimbursement of expenses. Co. Rev. Stat. Ann. § 19–4.5–106 (2021).
- Intended parents may enter enforceable surrogacy contracts regardless of whether they are married or unmarried. Co. Rev. Stat. Ann. § 19–4.5–109 (2021).
- Single intended parents may enter enforceable surrogacy contracts. Co. Rev. Stat. Ann. § 19–4.5–109 (2021).
- One party to the contract must be a resident of the state, unless birth is anticipated to be in the state or the assisted reproduction procedures will occur in the state. Co. Rev. Stat. Ann. § 19–4.5–105 (2021).
- State law addresses some of the rights of a person acting as a surrogate:

- A person acting as a surrogate must be represented by independent counsel of their choosing, but the intended parents are not required to pay for this representation. Co. Rev. Stat. Ann. § 19–4.5–104 (2021).
- The person acting as a surrogate must be able "to make all health and welfare decisions regarding themselves and the pregnancy." Co. Rev. Stat. Ann. § 19– 4.5–106 (2021).

CONNECTICUT

- Gestational and genetic surrogacy contracts can be enforced in court. Conn. Gen. Stat. Ann. §§ 46b-521, 529, 532, 535 (2022).
- A surrogate may be compensated beyond reimbursement of expenses. Conn. Gen. Stat. Ann §§ 46b-524(b)(1) (2022).
- Intended parents may enter enforceable surrogacy contracts regardless of whether they are married or unmarried. Conn. Gen. Stat. Ann. § 46b-522 (2022).
- Single intended parents may enter enforceable surrogacy contracts. Conn. Gen. Stat. Ann. § 46b-524 (2022).
- State law addresses and protects many of the rights of a person acting as a surrogate
    - A person acting as a surrogate must undergo medical and mental health evaluations. Intended parents must also undergo a mental health evaluation. Conn. Gen. Stat. Ann. § 46b-522 (2022).
    - The intended parents must pay the following benefits, Conn. Gen. Stat. Ann. §§ 46b-522-24 (2022):
        - A person acting as a surrogate must be represented by independent counsel of the surrogate's choosing,
        - Health insurance during pregnancy and 8 weeks after birth,
        - Life insurance, and medical expenses of a person acting as a surrogate and the child that are not covered by insurance.
    - The surrogacy contract "shall not infringe on the rights of the person acting as surrogate to make all health and welfare decisions regarding the person, the person's body and the person's pregnancy throughout the duration of the surrogacy arrangement, including during attempts to become pregnant, pregnancy, delivery and post-partum" or "the right of the person acting as surrogate to autonomy in medical decision making by, including, but not limited to, requiring the person acting as surrogate to undergo a scheduled, nonmedically indicated caesarean section or to undergo multiple embryo transfer." Any attempted agreement limiting these rights is void and unenforceable. Conn. Gen. Stat. Ann. § 46b-524 (2022).
    - A court cannot enforce an agreement that a person acting as a surrogate "terminate or not terminate a pregnancy, or submit to medical procedures." Conn. Gen. Stat. Ann. §§ 46b-532, 538 (2022).
- At least one party must be a resident of the state. Conn. Gen. Stat. Ann. §§ 46b-523 (2022).
- If a person acting as a surrogate will be compensated, compensation must be "placed in an escrow account prior to the commencement of any medical procedure, other than medical and mental health evaluations." Conn. Gen. Stat. Ann. §§ 46b-523 (2022).

DELAWARE

- Gestational surrogacy contracts can be enforced in court. 13 Del. Code Ann., §§ 8-804-805, 807 (2013).
- State law does not address whether genetic surrogacy contracts can be enforced in court, but they likely cannot.
- A person acting as a gestational surrogate may be compensated beyond reimbursement of expenses. 13 Del. Code Ann., § 8-807 (2013).
- Intended parents may enter enforceable gestational surrogacy contracts regardless of whether they are married or unmarried. 13 Del. Code Ann., § 8-807 (2013).
- Single intended parents may enter enforceable gestational surrogacy contracts. 13 Del. Code Ann., § 8-807 (2013).
- State law addresses and limits some of the rights of a person acting as a gestational surrogate:
    - A person acting as a surrogate must be represented by independent counsel of the surrogate's choosing, and the intended parents must pay for this representation if she requests it.
    - A person acting as a surrogate has the right to choose their healthcare provider but must consult with the intended parents about this choice.
    - A person acting as a surrogate must have health insurance that extends from before an embryo transfer until 8 weeks after the end of the pregnancy. The law does not require intended parents to obtain or pay for this insurance.
    - Surrogacy contracts may require a person acting as a surrogate to undergo all medical exams and treatments recommended by a physician and may also restrict a person acting as a surrogate from engaging in activities that the intended parent or doctor "reasonably believe to be harmful to the pregnancy and future health of the child." 13 Del. Code Ann., §§ 8-806, 8-807 (2013).
- Non-resident intended parents and non-resident persons acting as surrogates can only enter enforceable surrogacy contracts in Delaware in some circumstances. 13 Del. Code Ann., § 8-803 (2013).
- State law requires payments to persons acting as surrogates to be placed in an escrow before any medical procedures other than evaluations occur. Escrow agents must consent to the jurisdiction of Delaware courts. 13 Del. Code Ann., § 8-807 (2013).

FLORIDA

- Gestational surrogacy contracts can be enforced in court. Fla. Stat. Ann. § 742.15 (1993); Fla. Stat. Ann. 63.213 (2012). At least one intended parent must be a genetic parent to have an enforceable gestational surrogacy contract. Fla. Stat. Ann. § 742.15 (1993).
- Genetic surrogacy or surrogacy involving only nongenetic intended parents can be accomplished through a "preplanned adoption agreement" where a person acting as a surrogate may change their mind up to 48 hours after birth, an adoption is required, and the agreement may be terminated at any time by any party before the final transfer of custody of the child. Fla. Stat. Ann. § 63.213 (2012).
- Intended parents may pay for certain living, medical, and other expenses of a person acting as a surrogate. Fla. Stat. Ann. § 742.15 (1993); Fla. Stat. Ann. 63.213 (2012).
- Intended parents may enter enforceable surrogacy contracts regardless of whether they are married or unmarried.

- Single intended parents cannot enter enforceable surrogacy contracts. A single parent can use the procedure for a "pre-planned adoption agreement" to engage in either gestational or genetic surrogacy. Fla. Stat. Ann. 63.213 (2012).
- State law addresses and limits some of the rights of a person acting as a surrogate:
    - Gestational surrogacy contracts must contain an agreement by the intended parents that the person acting as a surrogate is "the sole source of consent" for management of the pregnancy but also that a person acting as a surrogate must agree to follow reasonable medical instructions and submit to reasonable medical evaluations and treatment. Fla. Stat. Ann. § 742.15 (1993).
    - Planned pre-adoption agreements, which can be used to accomplish genetic surrogacy, cannot require a person acting as a surrogate to agree to termination of the pregnancy. Fla. Stat. Ann. 63.213 (2012).
    - A person acting as a surrogate in a planned pre-adoption agreement, which can be used to accomplish genetic surrogacy, must have independent representation, but the intended parents are not required to pay for it. Fla. Stat. Ann. 63.213 (2012).

GEORGIA

- State law does not address whether surrogacy contracts of any kind can be enforced in court.
- State law does not address whether a person acting as a surrogate can be compensated beyond reimbursement for expenses.
- In practice, people enter gestational surrogacy contracts in Georgia, but an adoption after birth may be required. Some surrogacy agencies and attorneys report that some intended parents are able to get a court order recognizing them as parents without an adoption.

HAWAII

- Gestational and genetic surrogacy agreements are enforceable (with additional requirements for genetic surrogacy agreements to be validated by family court to be enforceable). Haw. Rev. Stat. Ann. §§ 584A-911 and 584A-922 (2026).
- Intended parents may pay compensation to surrogate above or in addition to expenses. Surrogacy agreement can include "any other reasonable financial arrangements mutually agreed upon by the parties, including any applicable reimbursement and compensation schedule." Haw. Rev. Stat. Ann. § 584A-904(a)(6) (2026).
- Neither the intended parent(s) nor the surrogate need to be married to execute a surrogacy agreement. Haw. Rev. Stat. Ann. § 584A-902 (2026).
- Surrogate must have previously given birth to at least one child, complete a medical evaluation related to the surrogacy agreement by a licensed medical doctor, and complete a mental health consultation by a licensed mental health professional. Haw. Rev. Stat. Ann. § 584A-902(a) (2026).
- Surrogacy agreement must be in writing, signed by intended parents, surrogate, and surrogate's spouse (if any), and signatures must be notarized or witnessed, and be executed prior to any medical procedure occurs related to the surrogacy agreement (other than the required medical and mental health evaluations). Haw. Rev. Stat. Ann. § 584A-903(a) (2026).

- State law addresses the following rights of the surrogate:
    - Surrogate shall have independent legal representation. Haw. Rev. Stat. Ann. § 584A-902(a)(5) (2026).
    - Surrogate must be permitted to make all health and welfare decisions regarding themselves and their pregnancy including the right to terminate the pregnancy. Haw. Rev. Stat. Ann. § 584A-904(a)(8) (2026).
    - Gestational Surrogate may terminate surrogacy agreement any time before an embryo transfer, or, if a transfer does not result in a pregnancy, at any time before subsequent embryo transfer, and shall not be liable to intended parent(s) for penalty or liquidated damages. Haw. Rev. Stat. Ann. § 584A-907 (2026).
    - Genetic Surrogate may withdraw consent to the surrogacy agreement any time before 72 hours after the birth of a child conceived under the agreement. That withdrawal of consent must be provided in a written notice of termination that is notarized or witnessed and delivered to each intended parent before 72 hours after the birth of the child. Genetic Surrogate and their spouse or former spouse will not be liable to intended parent(s) for a penalty or liquidated damages for terminating the agreement. Haw. Rev. Stat. Ann. § 584A-913 (2026).

IDAHO

- Validated gestational surrogacy agreements can be enforced in Idaho courts. Idaho Code Ann. § 7-1604 (2023).
- Genetic surrogacy agreements cannot be enforced in Idaho courts. Idaho Code Ann. § 7- 1604(1) (2023).
- Agreements must be in writing, the spouse of a married person acting as surrogate must be a party to the agreement, and neither the person acting as surrogate nor their spouse may contribute gametes for use under the agreement. Idaho Code Ann. § 7-1604(1) (2023).
- Gestational surrogacy agreements may include compensation beyond costs. Idaho Code Ann. § 7-1604(5) (2023).
- Orders pre-validating a surrogacy agreement and establishing that intended parents will be the legal parents of the resulting child may be sought before birth and must be sought no later than seven days of the birth of a child under the terms of the agreement. Idaho Code Ann. § 7- 1605(3)(a). A notice of birth must be filed no later than fourteen days after the birth of the child, and the court shall then issue an order of parentage and direct the filing of a birth certificate naming the intended parent(s) as the parent(s) of the child. Idaho Code Ann. § 7- 1607(2). If necessary, the court shall further order that the child be surrendered to the intended parent(s). Idaho Code Ann. § 7-1607(2) (2023).
- If a child is born under the terms of an agreement found to be invalid and parentage of the child is disputed, then parentage shall be determined according to other applicable law. Idaho Code Ann. § 7-1608 (2023).
- Intended parents may enter enforceable surrogacy contracts regardless of whether they are married or unmarried. I.C. § 7-1603(6).
- The law does not explicitly authorize same-sex couples to use surrogacy, but the statutory language is gender-neutral. *See, e.g.*, I.C. § 7-1603(6).

- An intended parent may be single. I.C. § 7-1603(6).
- The law requires each party to a gestational agreement to have resided in Idaho for at least six months, or "have contacts with the state of Idaho sufficient to justify jurisdiction in the opinion of an Idaho district court." Idaho Code Ann. § 7-1605(2) (2023).
- People receiving public assistance may not act as surrogates. Idaho Code Ann. § 7-1604(4) (2023).
- State law addresses some of the rights of a person acting as a gestational surrogate:
    - Surrogacy agreements "shall not limit the right of the gestational carrier to make decisions to safeguard her health or that of an embryo or a fetus that she is carrying." Idaho Code Ann. § 7-1604(6) (2023).
    - Persons acting as surrogates and intended parent(s) must have independent legal representation. Idaho Code Ann. § 7-1604(7) (2023).
    - Surrogacy agreements must make "adequate provision…for all reasonable health care expenses" Idaho Code Ann. § 7-1605(4)(c) (2023).
- A gestational agreement may provide for the disclosure of a gamete donor's medical information to a child born according to the terms of the gestational agreement and may describe the circumstances warranting such disclosure. However, if a gamete donor wishes to remain anonymous, only non-identifying medical information may be disclosed pursuant to the gestational agreement. Idaho Code Ann. §7-1612 (2023).

ILLINOIS

- Gestational surrogacy agreements can be enforced in court. 750 Ill. Comp. Stat. Ann. 47/15, 47/25 (2025)
- State law does not address whether genetic surrogacy agreements can be enforced in court.
- A person acting as a gestational surrogate may be compensated beyond reimbursement of expenses. 750 Ill. Comp. Stat. Ann. 47/25 (2025).
- Intended parents may enter enforceable surrogacy contracts regardless of whether they are married or unmarried, but if an intended parent is married, their spouse is also an intended parent.
- Single intended parents may enter into enforceable gestational surrogacy contracts.
- The statute's language about intended parents is gender neutral. 750 Ill. Comp. Stat. Ann. 47/10 (2025).
- State law addresses and limits some of the rights of a person acting as a gestational surrogate:
    - A surrogate must have independent legal representation and health insurance lasting until 8 weeks after birth, but the law does not require the intended parents to pay for the representation or insurance. 750 Ill. Comp. Stat. Ann. 47/20 (2025).
    - A surrogate must undergo medical and mental health evaluations. 750 Ill. Comp. Stat. Ann. 47/20 (2025).
    - Intended parents must also undergo a mental health evaluation. 750 Ill. Comp. Stat. Ann. 47/20 (2025).
    - A surrogate has the right to use a physician of their choosing to provide the surrogate with care during the pregnancy. 750 Ill. Comp. Stat. Ann. 47/25 (2025).
    - A surrogate has the right to make all health and welfare decisions regarding themselves and the pregnancy, including the right to terminate the pregnancy, which cannot be waived or limited by contract or agreement. 750 Ill. Comp. Stat. Ann. 47/25 (2025).

    - Surrogate may not be ordered to be impregnated, terminate a pregnancy, or submit to medical procedures by a court even if in breach of surrogacy agreement. 750 Ill. Comp. Stat. Ann. 47/50 (2025).
- State law requires compensation paid to a person acting as a surrogate to be placed in an escrow account with an independent agent prior to any medical procedures other than evaluations. 750 Ill. Comp. Stat. Ann. 47/25 (2025)

INDIANA

- All surrogacy contracts are prohibited and void and cannot be enforced in court. Ind. Code. Ann. § 31-20-1-2 (1997). However, there may be some limited circumstances where an intended mother of a child born through gestational surrogacy may be recognized as a parent without an adoption based on case law.
    - Where an intended mother is a genetic mother, she may be recognized as a parent instead of the person acting as a surrogate. In re Paternity and Maternity of Infant R., 922 N.E.2d 59 (Ind. Ct. App. 2010).
    - One court has found that a nongenetic intended mother was a parent based on her marriage to the biological father and his actions treating her as a parent, but only because the person acting as a gestational surrogate did not want to be a parent. In re Paternity of Infant T., 991 N.E.2d 596 (Ind. Ct. App. 2013).
- State law does not address whether a person acting as a surrogate can be compensated beyond reimbursement for expenses.
- In practice, people enter gestational surrogacy contracts in Indiana, even though these contracts cannot be enforced in court. Some surrogacy agencies and attorneys report that some intended parents can get a court order recognizing them as parents without an adoption, even though state law prohibits surrogacy contracts

IOWA

- Gestational surrogacy contracts can be enforced in court. P.M. v. T.B., 907 N.W.2d 522 (2018).
- State law does not address whether genetic surrogacy contracts can be enforced in court.
- It is not a crime to compensate a person acting as a surrogate beyond reimbursement of expenses. Iowa Code Ann. § 710.11 (1989); P.M. v. T.B., 907 N.W.2d 522 (2018).
- Intended parents can enter enforceable gestational surrogacy contracts regardless of whether they are married or unmarried but only if they are both genetic parents. If there are two intended parents and only one is a genetic parent, the parents must be married for the second parent to establish their rights through adoption. Iowa Admin. Code r. 641-99.15(144) (2013).
- Most same-sex couples are effectively excluded from entering enforceable surrogacy contracts because both intended parents must be genetic parents for a contact to be enforced in court. However, if one intended parent is a genetic parent, the second intended parent may adopt the child if the intended parents are married. Iowa Admin. Code r. 641-99.15(144) (2013).
- Single intended parents who are genetic parents may enter enforceable surrogacy contracts. Iowa Admin. Code r. 641-99.15(144) (2013).

KANSAS

- State law does not address whether surrogacy contracts of any kind can be enforced in court. However, there is a 1982 Attorney General Opinion[1] expressing the opinion that genetic surrogacy contracts are void and cannot be enforced in court. XVI Kan. Op. Atty. Gen. 54 (Kan.A.G.), Kan. Atty. Gen. Op. No. 82-150.
- State law does not address whether a person acting as a surrogate can be compensated beyond reimbursement for expenses. There is a 1996 Attorney General Opinion expressing the opinion that payment of compensation beyond reimbursement of medical, legal, and living expenses to a person acting as a surrogate, at least for genetic surrogacy, would be a crime. XXX Kan. Op. Atty. Gen. 29 (Kan.A.G.), Kan. Atty. Gen. Op. No. 96-73.
- In practice, people enter gestational surrogacy contracts in Kansas, but an adoption after birth is usually required. Some surrogacy agencies and attorneys report that where there are two intended parents who are genetic parents, it may be possible to get a court order recognizing them as parents without an adoption

KENTUCKY

- State law does not address whether gestational surrogacy contracts or uncompensated genetic surrogacy contracts can be enforced in court.
- State law criminalizes compensated genetic surrogacy contracts; compensated genetic surrogacy contracts are prohibited and void and cannot be enforced in court. Ky. Rev. Stat. Ann. § 199.590 (2005).
- A 1981 Attorney General Opinion[2] expresses the opinion that genetic surrogacy contracts are void and unenforceable regardless of whether they are compensated or uncompensated. 1980- 1981 Ky. Op. Atty. Gen. 2-588 (Ky.A.G.), Ky. OAG 81-18, 1981 WL 142305.
- In practice, people enter gestational surrogacy contracts in Kentucky, but an adoption after birth may be required. Some surrogacy agencies and attorneys report that where there are two intended parents who are genetic parents, it may be possible to get a court order recognizing them as parents without an adoption.

LOUISIANA

- Uncompensated gestational surrogacy contracts can be enforced in court when both intended parents are genetic parents who are married to each other. La. Stat. Ann. §§ 9:2720, 9:2720.3, 9:2718.1 (2024).
- Contracts must be approved in advance by a court. La. Stat. Ann. § 9:2720 (2024).
- All other surrogacy contracts, including genetic surrogacy contracts, are prohibited and void and cannot be enforced in court. La. Stat. Ann. §§ 9:2719-20 (2024).
- A person acting as a gestational surrogate cannot be compensated but the intended parents can reimburse certain expenses. La. Stat. Ann. §§ 9:2720.5; 9:2718.1 (2024).
- Intended parents may enter enforceable surrogacy contracts only if they are married to each other. La. Stat. Ann. § 9:2720 (2024).

[1] An Attorney General Opinion is just an opinion about what the law might be.
[2] An Attorney General Opinion is just an opinion about what the law might be.

- State law effectively excludes most same-sex couples from entering surrogacy contracts by requiring both intended parents to be genetic parents. La. Stat. Ann. § 9:2720 (2024).
- Single intended parents cannot enter enforceable surrogacy contracts. La. Stat. Ann. § 9:2720 (2024).
- Both intended parents and a person acting as a surrogate must be residents of Louisiana for 180 days prior to the transfer of an embryo. La. Stat. Ann. § 9:2720.3 (2024).
- State law addresses and limits some of the rights of a person acting as a gestational surrogate:
    - Contracts may not require a person acting as a surrogate to have an abortion against their wishes, but the statute does not address their right to have an abortion if the intended parents object. La. Stat. Ann. § 9:2720 (2024).
    - The contract must explain how reasonable healthcare and legal expenses will be paid and include an estimate of anticipated expenses and who will pay. La. Stat. Ann. §§ 9:2720.2; 9:2720.5 (2024).
    - A person acting as a surrogate must "agree to reasonable medical evaluation and treatment during the term of the pregnancy, to adhere to reasonable medical instructions about prenatal health, and to execute medical records releases... in favor of the intended parents." The surrogate must also undergo at least two counseling sessions prior to pregnancy and at least one session after birth within six months. La. Stat. Ann. § 9:2720.2 (2024).

MAINE

- Gestational surrogacy contracts can be enforced in court. Genetic surrogacy contracts can be enforced in court if the person acting as a surrogate and at least one intended parent are family members. Me. Rev. Stat. Ann. tit. 19-A, § 1931 (2016).
- A person acting as a gestational or genetic surrogate may be compensated beyond reimbursement of expenses. Me. Rev. Stat. Ann. tit. 19-A, § 1932 (2016).
- Intended parents may enter enforceable surrogacy contracts regardless of whether they are married or unmarried. Me. Rev. Stat. Ann. tit. 19-A, § 1932 (2016).
- Single intended parents may enter enforceable gestational surrogacy contracts. Me. Rev. Stat. Ann. tit. 19-A, § 1931 (2016).
- State law mandates the surrogate must be at least 21 years old and have previously given birth to a child. Me. Rev. Stat. Ann. tit. 19-A, § 1931 (2016).
- State law addresses some of the rights of a person acting as a surrogate:
    - A person acting as a surrogate must have independent legal counsel of the surrogate's choosing, and the intended parents are required to pay for this representation. Me. Rev. Stat. Ann. tit. 19-A, § 1931 (2016).
    - The intended parents must pay for health care costs not covered by insurance. Me. Rev. Stat. Ann. tit. 19-A, § 1939 (2016).
    - Both a person acting as a surrogate and intended parents must undergo medical evaluations and mental health consultations. Me. Rev. Stat. Ann. tit. 19-A, § 1931 (2016).
    - A person acting as a surrogate "has the right to use the services of a health care provider of her choosing to provide her care during her pregnancy" and "to make decisions to safeguard her health." Me. Rev. Stat. Ann. tit. 19-A, § 1932 (2016).
- At least one party must be a resident of the state. Me. Rev. Stat. Ann. tit. 19-A, § 1932 (2016).

MARYLAND

- State law does not address whether surrogacy contracts of any kind can be enforced in court. However, the Maryland high court has allowed a person acting as a gestational surrogate to seek a determination that she is not a parent based on her lack of genetic connection to the child. In re Roberto d.B., 399 Md. 267, 923 A.2d 115 (2007).
- It is not clear whether Maryland would enforce a gestational surrogacy contract if the person acting as a surrogate opposed enforcement of the contract.
- Maryland's highest court has explained that compensating a person acting as a surrogate is a crime. In re Roberto d.B., 399 Md. 267, 923 A.2d 115 (2007); see also 85 Md. Op. Atty. Gen. 348 (Md.A.G.), 2000 WL 1922187.

MASSACHUSETTS

- Genetic and gestational surrogacy agreements are enforceable. Mass. Gen. Laws Ann. ch. 209C, § 28B (2025)
- Genetic surrogacy agreements must be validated by a probate and family court. Mass. Gen. Laws Ann. ch. 209C, § 28K (2025)
- Surrogacy agreement must include that intended parents will pay for surrogacy-related expenses of the surrogate, and can include agreement for payment in addition to reasonable expenses. Mass. Gen. Laws Ann. ch. 209C, § 28C (b) and (f) (2025)
- Children have the same rights and protections under law to parentage regardless of the marital status, gender, gender identity, or sexual orientation of the parents. Mass. Gen. Laws Ann. ch. 209C, § 1 (2025)
- Surrogate must be 21 years or older, have previously given birth to at least one child, complete a medical evaluation by a licensed physician related to surrogacy, and complete a mental health consultation with a licensed mental health professional independent of the health care providers or facility providing assisted reproduction services contemplated by the surrogacy agreement. Mass. Gen. Laws Ann. ch. 209C, § 28A (2025)
- Surrogacy agreement must be in writing, signed by surrogate, surrogate's spouse (if any), and each intended parent, and signatures must be notarized. Mass. Gen. Laws Ann. ch. 209C, § 28B (2025)
- Surrogate and their spouse, if any, must have independent legal representation regarding the surrogacy agreement paid for the by intended parent or parents. Surrogate and their spouse may be represented by a single attorney. Mass. Gen. Laws Ann. ch. 209C, § 28B (2025)
- Surrogate or intended parent with a gestational surrogacy agreement may terminate agreement by giving written notice to all parties any time before embryo is transferred or implanted, or if embryo transfer or implantation does not result in pregnancy, before a subsequent transfer or implantation. Surrogate and their spouse or former spouse will not be liable to intended parent(s) for punitive or liquidated damages for terminating the agreement in this way. Mass. Gen. Laws Ann. ch. 209C, § 28F (2025)
- Surrogate or intended parent with a genetic surrogacy agreement may terminate agreement by giving written notice to all parties any time before gamete or embryo is transferred or implanted, or if gamete/embryo transfer or implantation does not result in pregnancy, before a subsequent transfer or implantation. If the agreement was validated by a court prior to termination, terminating party must also file notice with the court. Surrogate and their spouse or former spouse will not be liable to intended parent(s)

for punitive or liquidated damages for terminating the agreement in this way. Mass. Gen. Laws Ann. ch. 209C, § 28L (2025)

MICHIGAN

- Gestational and genetic surrogacy agreements can be enforced in Michigan courts. M.C.L.A. § 722.1909 (2025). Surrogacy agreements which substantially comply with statutory requirements are enforceable in Michigan. Mich. Comp. Laws § 722.1909(1) (2025).
- Parentage of a genetic child of an individual who agreed to be a gestational surrogate will be determined under general Michigan law. M.C.L.A. § 722.1906(3) (2025).
- People acting as surrogates may receive "payment of compensation, support, and reasonable expenses," and may be reimbursed for specific agreed-upon expenses if the agreement is terminated. Mich. Comp. Laws §§ 722.1903(2)(a)-(b) (2025).
- Courts will determine parentage of children born under non-compliant agreements "consistent with the intent of the parties, taking into account the best interests of the child." Mich. Comp. Laws § 722.1909(2) (2025).
- Court orders of parentage may be sought and issued before or after birth. However, if issued before birth, the court must stay enforcement of the order or judgment until the birth of the child. Mich. Comp. Laws § 722.1908 (2025).
- Intended parents may enter enforceable surrogacy contracts regardless of whether they are married or unmarried. See, e.g., Mich. Comp. Laws §§ 722.1904(2) (2025).
- The statutory language is gender-neutral as to the intended parent(s), surrogate, and surrogate's spouse. See, e.g., Mich. Comp. Laws § 722.1901(2) (2025).
- Single intended parents may enter enforceable surrogacy contracts. See, e.g., Mich. Comp. Laws §§ 722.1901(2)(c) (2025).
- People acting as surrogates must complete medical and mental health evaluations. Mich. Comp. Laws §§ 722.1901(1)(c)-(d) (2025).
- Intended parents must complete mental health evaluations. Mich. Comp. Laws §§ 722.1901(2)(b) (2025).
- No party need be a Michigan resident if the birth will occur or be anticipated to occur in Michigan, or if assisted reproduction will occur in Michigan. Mich. Comp. Laws §§ 722.1902(a)(i)-(iii) (2025).
- State law addresses some of the rights of a person acting as a surrogate:
    - No agreement may limit the surrogate's reproductive rights under the Michigan state constitution, including the right to abortion. Mich. Comp. Laws § 722.1903(1)(g) (2025).
    - Agreements must permit people acting as surrogates to use a health care practitioner of their choosing and to make all health and welfare decisions regarding their care and the pregnancy, including whether to consent to a cesarean section or multiple embryo transfer. Mich. Comp. Laws §§ 722.1903(1)(g)-(h) (2025).
    - People acting as surrogates and the intended parent(s) must have independent legal representation throughout negotiation, execution, and the duration of the agreement. Mich. Comp. Laws § 722.1901(1)(e); Mich. Comp. Laws § 722.1901(2)(c) (2025).
    - The intended parent(s) must pay for independent legal representation for the person acting as surrogate. Mich. Comp. Laws 722.1902(f) (2025).

- The intended parent or parents must cover the assisted reproduction expenses and the medical expenses of the person acting as surrogate and the child. Mich. Comp. Laws §§ 722.1903(1)(f) (2025).
- Specific performance is not a remedy available for breach by a surrogate of a provision in the agreement that the surrogate be impregnated, terminate a pregnancy, or submit to medical procedures. Mich. Comp. Laws 722.1909(5) (2025).

MINNESOTA

- State law does not address whether surrogacy contracts of any kind can be enforced in court.
- State law does not address whether a person acting as a surrogate can be compensated beyond reimbursement for expenses.
- In practice, people enter gestational surrogacy contracts in Minnesota, but an adoption after birth may be required. Courts have allowed some surrogacy contracts to be enforced in some situations and prohibited the enforcement of others[3].
- At least one court has allowed a gestational surrogacy contract to be enforced where the parties had agreed that the law of another state should be applied by the court. In re Paternity & Custody of Baby Boy A., No. A07-452, 2007 WL 4304448 (Minn. Ct. App. Dec. 11, 2007).
- At least one court has ruled that a genetic surrogacy contract is unenforceable. A.L.S. ex rel. J.P. v. E.A.G., 2010 WL 4181449 (Minn. Ct. App. 2010).

MISSISSIPPI

- State law does not address whether surrogacy contracts of any kind can be enforced in court.
- State law does not address whether a person acting as a surrogate can be compensated beyond reimbursement for expenses.
- In practice, people enter gestational surrogacy contracts in Mississippi, but an adoption after birth may be required. Some surrogacy agencies and attorneys report that some intended parents are able to get a court order recognizing them as parents without an adoption.

MISSOURI

- State law does not address whether surrogacy contracts of any kind can be enforced in court.
- State law does not address whether a person acting as a surrogate can be compensated beyond reimbursement for expenses.
- In practice, people enter gestational surrogacy contracts in Missouri, but an adoption after birth may be required. Some surrogacy agencies and attorneys report that some intended parents are able to get a court order recognizing them as parents without an adoption.

[3] These unpublished cases do not create a precedent that applies to other cases.

MONTANA

- State law does not address whether surrogacy contracts of any kind can be enforced in court.
- State law does not address whether a person acting as a surrogate can be compensated beyond reimbursement for expenses.
- In practice, people enter gestational surrogacy contracts in Montana, but an adoption after birth may be required. Some surrogacy agencies and attorneys report that some intended parents are able to get a court order recognizing them as parents without an adoption.

NEBRASKA

- State law does not address whether uncompensated surrogacy contracts of any kind can be enforced in court.
- All compensated surrogacy contracts are void and cannot be enforced in court. Neb. Rev. Stat. § 25-21,200 (1988).
- In practice, people enter uncompensated surrogacy contracts in Nebraska, but an adoption after birth is usually required.

NEVADA

- Gestational surrogacy contracts can be enforced in court. Nev. Rev. Stat. Ann. §§ 126.710, 126.720, 126.740 (2013).
- State law does not address whether genetic surrogacy contracts can be enforced in court.
- A person acting as a gestational surrogate may be compensated beyond reimbursement of expenses. Nev. Rev. Stat. Ann. § 126.750 (2013).
- Intended parents may enter enforceable surrogacy contracts regardless of whether they are married or unmarried. Nev. Rev. Stat. Ann. § 126.720 (2013).
- A single intended parent may enter enforceable gestational surrogacy contracts. Nev. Rev. Stat. Ann. § 126.720 (2013).
- State law addresses and limits some of the rights of a person acting as a gestational surrogate:
    - The person acting as a surrogate must have independent counsel of her choosing, but the intended parents are not required to pay for the representation. Nev. Rev. Stat. Ann. §§ 126.740, 126.750 (2013).
    - The person acting as a surrogate must use “the services of a physician of her choosing, after consultation with the intended parent or parents.” Nev. Rev. Stat. Ann. § 126.750 (2013).
    - Contracts can be enforced in court even if they require the person acting as a surrogate to undergo all medical exams, treatments, and monitoring recommend by her doctor and that she “abstain from any activities that the intended parent or parents or the physician providing care to the gestational carrier during the pregnancy reasonably believes to be harmful to the pregnancy and the future health of any resulting child.” Nev. Rev. Stat. Ann. § 126.750 (2013).
- There is no residency requirement if the child was born in the state or anticipated to be born in the state, if the contract was entered in the state, or the assisted reproduction procedures occurred in the state. Nev. Rev. Stat. Ann. § 126.720 (2013).

NEW HAMPSHIRE

- Gestational surrogacy contracts can be enforced in court. N.H. Rev. Stat. Ann. §§ 168-B:5 (2014), 168-B:7 (2014), 168-B:10 (2023).
- State law does not address whether genetic surrogacy contracts can be enforced in court.
- A person acting as a gestational surrogate may be compensated beyond reimbursement of expenses. N.H. Rev. Stat. §§ 168-B:1, 168-B:11 (2023).
- A person acting as a genetic surrogate may be compensated beyond reimbursement of expenses if: (1) there are two IPs, (2) the IPs are married, (3) one IP is a genetic parent, and (4) the non-genetic IP plans to adopt the child. N.H. Rev. Stat. §§ 5-C:29 (2006); 170-B:2 (2021); 170-B:13 (2005).
- Intended parents may enter enforceable surrogacy contracts regardless of whether they are married or unmarried. N.H. Rev. Stat. §§ 168-B:1 (2023), 168-B:7 (2014).
- Single intended parents may enter enforceable surrogacy contracts. N.H. Rev. Stat. §§ 168-B:1 (2023), 168-B:7 (2014).
- State law addresses and limits some of the rights of a person acting as a gestational surrogate:
    - A person acting as a surrogate must be represented by independent counsel of her choosing, but the intended parents are not required to pay for this representation. N.H. Rev. Stat. § 168-B:9 (2023).
    - If a person acting as a surrogate breaches the contract or a legal requirement of surrogacy and this results in harm to the resulting child, she may be liable for child's medical expenses not covered by insurance. N.H. Rev. Stat. § 168-B:11 (2023), 168-B:18 (2023).
    - The contract must address how decisions about abortion should be made but does not say that the person acting as a surrogate has the right to make this choice. N.H. Rev. Stat. § 168-B:11 (2023).
- Non-resident intended parents and non-resident persons acting as surrogates can enter enforceable surrogacy contracts if the child was born in the state or is anticipated to be born in the state. N.H. Rev. Stat. § 168-B:1 (2023).

NEW JERSEY

- Gestational surrogacy contracts can be enforced in court. N.J. Stat. Ann. §§ 9:17-63, 9:17-64 (2018).
- Genetic surrogacy contracts cannot be enforced in court. Matter of Baby M., 109 N.J. 396, 537 A.2d 1227 (1988).
- A gestational surrogate must be compensated for expenses (unless expressly waived). The statute does not expressly state whether a gestational surrogate may be compensated in addition to expenses. N.J. Stat. Ann §§ 9:17-64, 9:17-65 (2018).
- Intended parents may enter enforceable surrogacy contracts regardless of whether they are married or unmarried. N.J. Stat. Ann § 9:17-62 (2018).
- Single intended parents may enter enforceable surrogacy contracts. N.J. Stat. Ann § 9:17-63 (2018).
- State law addresses some of the rights of a person acting as a gestational surrogate:
    - A person acting as a surrogate (and her spouse, if any) must have a consultation with independent legal counsel of their choosing, but the intended parents are not required to pay for this representation. N.J. Stat. Ann §§ 9:17-64, 9:17-65 (2018).

- A person acting as a surrogate and the intended parents must complete a "psychological evaluation." N.J. Stat. Ann § 9:17-64 (2018).
- A person acting as a surrogate has a right to choose her medical care provider, but she must notify the intended parents of her choice. N.J. Stat. Ann § 9:17- 65 (2018).
- The intended parents must pay for certain medical, mental health counseling, and living expenses of a person acting as a surrogate unless she specifically waives this right. N.J. Stat. Ann § 9:17-65 (2018).

- A surrogate must be 21 years of age and have given birth previously. N.J. Stat. Ann § 9:17-65 (2018).

NEW MEXICO

- State law does not address whether surrogacy contracts of any kind can be enforced in court. N.M. Stat. Ann. § 40-11A-801 (2010).
- State law does not address whether a person acting as a surrogate can be compensated beyond reimbursement for expenses.
- In practice, people enter gestational surrogacy contracts in New Mexico, but an adoption after birth may be required.

NEW YORK

- Gestational surrogacy contracts can be enforced. N.Y. Fam. Ct. Act §§ 581-203 (2024), 581-401 (2021), 581-406 (2024).
- Genetic surrogacy contracts cannot be enforced. N.Y. Fam. Ct. Act §§ 581-401(b) (2021), 581-402 (2024).
- A person acting as a gestational surrogate may be compensated beyond reimbursement of expenses. N.Y. Fam. Ct. Act § 581-502 (2024)
- Unmarried intimate partners, a single person, or a married couple may enter into an enforceable surrogacy contract as intended parents, and the language of the statute is gender-neutral. N.Y. Fam. Ct. Act § 581-402(b)(3) (2024).
- If an intended parent is married, their spouse must also be an intended parent unless they are living separate and apart pursuant to a judgment or decree of separation or a written agreement of separation, or for at least three years prior to the execution of the agreement. N.Y. Fam. Ct. Act § 581-402(b)(3)(i)-(ii) (2024).
- State law addresses and protects many of the rights of a person acting as a gestational surrogate:
  - A person acting as a surrogate must give informed consent after being informed of medical, psychological, and psychosocial risks. N.Y. Fam. Ct. Act § 581-402(5) (2024).
  - The intended parents must pay for the following benefits for the person acting as a surrogate, although a person acting as a surrogate who receives no compensation may waive these rights. N.Y. Fam. Ct. Act § 581-402 (2024).
    - Independent counsel of the surrogate's choosing;
    - Comprehensive health insurance lasting until 12 months after birth, stillbirth, miscarriage, or termination of the pregnancy;
    - Life insurance of at least $750,000, or the maximum benefit the surrogate qualifies for lasting until 12 months after birth

- The contract "must permit the person acting as surrogate to make all health and welfare decisions regarding themselves and their pregnancy including but not limited to, whether to consent to a cesarean section or multiple embryo transfer." Any provision that tries to limit these rights is void and unenforceable. A person acting as a surrogate retains their rights to determine whether or not to have an abortion. N.Y. Fam. Ct. Act §§ 581-403(i)(1)(v) (2024), 581-602 (2021).
- A person acting as a surrogate has a right to choose their own health care practitioner. N.Y. Fam. Ct. Act § 581-402 (2024).
- A person acting as a surrogate cannot be compelled to be impregnated, agree to a multiple embryo transfer, terminate or not terminate a pregnancy, or submit to medical procedures. N.Y. Fam. Ct. Act § 581-409(c) (2024).

- Compensation and anticipated expense reimbursements must be placed in escrow prior to beginning any medical procedures. N.Y. Fam. Ct. Act §§ 581-102, 581-402 (2024).

NORTH CAROLINA

- State law does not address whether surrogacy contracts of any kind can be enforced in court.
- State law does not address whether a person acting as a surrogate can be compensated beyond reimbursement for expenses.
- In practice, people enter gestational surrogacy contracts in North Carolina, but an adoption after birth may be required. Some surrogacy agencies and attorneys report that some intended parents are able to get a court order recognizing them as parents without an adoption.

NORTH DAKOTA

- State law provides that surrogacy contracts are void and cannot be enforced in court. However, when two intended parents are both genetic parents, they are the only parents of a child born through gestational surrogacy. N.D. Cent. Code Ann. §§ 14-18-01, 14-18-08 (2005).
- A person acting as a surrogate is a parent in all other surrogacy arrangements. N.D. Cent. Code Ann. § 14-18-05 (2005). Non-genetic intended parents using surrogacy may be able to become parents through adoption.
- State law does not address whether a person acting as a surrogate can be compensated beyond reimbursement for expenses. The intended parents must pay for all pregnancy and birth-related expenses of a person acting as a surrogate who conceived through assisted reproduction, even though all surrogacy contracts are void and cannot be enforced in court. N.D. Cent. Code Ann. § 14-18-09 (2013).
- Intended parents who are genetic parents through surrogacy are recognized as parents regardless of whether they are married or unmarried. N.D. Cent. Code Ann. §§ 14-18-01, 14-18-08 (2005).
- Most same-sex couples are effectively excluded from becoming parents through surrogacy without an adoption because both parents must be genetic parents to be considered parents of a child born through surrogacy. N.D. Cent. Code Ann. §§ 14-18- 01, 14-18-08 (2005).
- Single parents cannot have a child through surrogacy without the person acting as a surrogate also being legally recognized as a parent unless and until an adoption is completed. N.D. Cent. Code Ann. §§ 14-18-01, 14-18-08 (2005).

OHIO

- Gestational surrogacy contracts can be enforced in court. See J.F. v. D.B.,879 N.E.2d 740 (Ohio 2007); S.N. v. M.B., 935 N.E.2d 463 (Ohio Ct. App. 2010).
- State law does not address whether genetic surrogacy contracts can be enforced in court.
- A person acting as a gestational surrogate may be compensated beyond reimbursement of expenses. J.F. v. D.B., 879 N.E.2d 740 (Ohio 2007); S.N. v. M.B., 935 N.E.2d 463 (Ohio Ct. App. 2010).
- Intended parents may enter enforceable surrogacy contracts regardless of whether they are married or unmarried. S.N. v. M.B., 935 N.E.2d 463 (Ohio Ct. App. 2010).
- Single intended parents may enter enforceable surrogacy contracts. S.N. v. M.B., 935 N.E.2d 463 (Ohio Ct. App. 2010).

OKLAHOMA

- Gestational surrogacy contracts can be enforced in court. Okla. Stat. 10 § 557.11 (2019).
- State law does not address whether genetic surrogacy contracts can be enforced in court.
- A person acting as a gestational surrogate may be compensated beyond reimbursement of expenses. Okla. Stat. 10 §§ 557.6(D)(3), 557.17 (2019).
- Intended parents may enter enforceable surrogacy contracts only if they are married to each other. Okla. Stat. 10 § 557.5(B)(4) (2019). If an intended parent is married, both spouses must be parties to the contract. Okla. Stat. 10 §§ 557.3, 557.5(B)(3) (2019).
- Single intended parents may enter enforceable surrogacy contracts. Okla. Stat. 10 §§ 557.2(10), 557.3(A) (2019).
- State law addresses and limits some of the rights of a person acting as a gestational surrogate
    - A person acting as a surrogate, and their spouse if any, must be represented by independent legal counsel of her choosing, but the intended parents are not required to pay for this representation. Okla. Stat. 10 § 557.6 (2019).
    - A person acting as a surrogate must be informed of potential medical and psychological health risks. Okla. Stat. 10 § 557.6 (2019).
    - The contract may require a person acting as a surrogate to undergo all medical treatments, exams, and monitoring recommended by their doctor and to avoid "any activities that the intended parents or the physician providing care to the gestational carrier during the pregnancy reasonably believe to be harmful to the pregnancy or the future health of any resulting child." These provisions can be enforced in court. Okla. Stat. 10 § 557.6(D)(1)-(2) (2019).
- A person acting as a surrogate must be a resident of Oklahoma for at least 90 days prior to entering the contract. Okla. Stat. 10 § 557.4(3) (2019).

OREGON

- Gestational surrogacy agreements are regulated by statute and enforceable. Or. Rev. Stat. Ann. § 109.244 (2026)
- State law does not expressly address genetic surrogacy agreements.
- A gestational surrogate may be compensated beyond costs. Or. Rev. Stat. Ann. § 109.226(2)(a) (2026)

- An intended parent need not be married, and the statute is gender-neutral. Or. Rev. Stat. Ann. § 109.222 (2026)
- State law addresses and limits some of the rights of a person acting as a gestational surrogate:
    - A court cannot order a surrogate to be impregnated, terminate or not terminate a pregnancy, or submit to medical procedures. Or. Rev. Stat. Ann. § 109.244(4) (2026)
    - The surrogacy agreement must permit the surrogate to make all health and welfare decisions regarding themselves and the pregnancy, including decisions regarding reproductive health care. Or. Rev. Stat. Ann. § 109.226(1)(g) (2026)
    - Intended parent(s) must pay for independent legal representation for the surrogate. Or. Rev. Stat. Ann. § 109.224(8) (2026)

PENNSYLVANIA

- State law does not address whether surrogacy contracts of any kind can be enforced in court.
- State law does not address whether a person acting as a surrogate can be compensated beyond reimbursement for expenses.
- In practice, people enter gestational surrogacy contracts in Pennsylvania, but an adoption after birth may be required. Some surrogacy agencies and attorneys report that where there are two intended parents who are genetic parents, it may be possible to get a court order recognizing them as parents without an adoption. See In re Baby S., 2015 PA Super 244, 128 A.3d 296, 298 (2015).

RHODE ISLAND

- Gestational surrogacy contracts can be enforced in court. 15 R.I. Gen. Laws Ann. § 15-8.1-802 (2021).
- Genetic surrogacy contracts can be enforced in court if the person acting as a surrogate and at least one intended parent are family members. 15 R.I. Gen. Laws Ann. § 15-8.1-801(a)(5) (2021).
- All the same requirements apply to gestational and genetic surrogacy contracts. 15 R.I. Gen. Laws Ann. § 15-8.1-802 (2021).
- A person acting as a surrogate may be compensated beyond reimbursement of expenses. 15 R.I. Gen. Laws Ann. § 15-8.1-802 (2021).
- Intended parents may enter enforceable surrogacy contracts regardless of whether they are married or unmarried. 15 R.I. Gen. Laws Ann. § 15-8.1-801(b) (2021). However, if an intended parent or gestational carrier is married, that spouse must be a party to the agreement. 15 R.I. Gen. Laws. Ann. § 15-8.1-802(b)(6) (2021).
- Single intended parents may enter enforceable surrogacy contracts. 15 R.I. Gen. Laws Ann. § 15-8.1-801(b) (2021).
- At least one of the intended parents must be a resident of the U.S. 15 R.I. Gen. Laws Ann. § 15-8.1-802(b)(3) (2021).
- State law addresses some of the rights of a person acting as a gestational surrogate:
    - A person acting as a surrogate must be represented by independent legal counsel of their choosing, and the intended parents are required to pay for this representation. 15 R.I. Gen. Laws Ann. § 15-8.1-801(a)(4) (2021).
    - A person acting as a surrogate has a right to choose their own health care provider. 15 R.I. Gen. Laws Ann. § 15-8.1-802(b)(12) (2021).
    - The intended parents must pay for any healthcare costs not covered by insurance. 15 R.I. Gen. Laws Ann. § 15-8.1-809 (2021).

- A person acting as a surrogate and the intended parents must undergo medical evaluations and mental health consultations. 15 R.I. Gen. Laws Ann. § 15-8.1-801 (2021).
- A person acting as a surrogate has the right to "make all health and welfare decisions regarding the gestational carrier's health and pregnancy, including, but not limited to, whether to consent to a caesarean section or multiple embryo transfer" and retains the right to choose whether or not to have an abortion. 15 R.I. Gen. Laws Ann. § 15-8.1-802(d) (2021).

SOUTH CAROLINA

- State law does not address whether surrogacy contracts of any kind can be enforced in court. However, *Mid-S. Ins. Co. v. Doe*, 274 F. Supp. 2d 757 (D.S.C. 2003) suggests that surrogacy contracts may be enforceable.
- State law does not address whether a person acting as a surrogate can be compensated beyond reimbursement for expenses.
- In practice, people enter gestational surrogacy contracts in South Carolina, but an adoption after birth may be required. Some surrogacy agencies and attorneys report that where there are two intended parents who are genetic parents, it may be possible to get a court order recognizing them as parents without an adoption.

SOUTH DAKOTA

- State law does not address whether surrogacy contracts of any kind can be enforced in court.
- State law does not address whether a person acting as a surrogate can be compensated beyond reimbursement for expenses.
- In practice, people enter gestational surrogacy contracts in South Dakota, but an adoption after birth may be required. Some surrogacy agencies and attorneys report that where there are two intended parents who are genetic parents, it may be possible to get a court order recognizing them as parents without an adoption.

TENNESSEE

- State statute does not permit or prohibit surrogacy in general. Tenn. Code. Ann. § 36-1-102(52) (2025).
- Genetic surrogacy contracts can be enforced in court if (1) the contract is not in conflict with the best interests of the child, and (2) a person acting as a surrogate agrees to termination of the surrogate's parental rights after birth or their rights are involuntarily terminated by a court based on unfitness. Gestational surrogacy contracts can likely also be enforced in court. A person acting as a gestational surrogate may not need to be given a period of time to change their mind after birth, at least where the intended parents are married and are both genetic parents. *In re Baby*, 447 S.W.3d 807 (Tenn. 2014).
- A surrogacy contract to be enforceable may only provide compensation for "the reasonable costs of services, expenses, or injuries related to the pregnancy, the birth of the child, or other matters inherent to the surrogacy process." *In re Baby*, 447 S.W.3d 807, 827 (Tenn. 2014).
- It is not clear whether intended parents must be married to each other to enter enforceable surrogacy contracts.
- It is not clear whether single intended parents cannot enter enforceable surrogacy contracts.

TEXAS

- Gestational surrogacy contracts can be enforced in court. Tex. Fam. Code Ann. § 160.752-754 (2003).
- A gestational mother's eggs may not be used in the assisted reproduction procedure of an enforceable surrogacy agreement. Tex. Fam. Code Ann. § 160.754(c) (2003).
- State law does not address whether people acting as surrogates can be compensated beyond reimbursement for expenses. The law says that intended parents may pay for all reasonable health care costs. Tex. Fam. Code Ann. § 160.756 (2003).
- Intended parents must be married to each other to enter enforceable surrogacy contracts. Tex. Fam. Code Ann. § 160.754 (2003).
- Same-sex spouses may enter enforceable surrogacy contracts. Tex. Fam. Code Ann. § 160.756 (2003).
- Single intended parents cannot enter enforceable surrogacy contracts. Tex. Fam. Code Ann. § 160.754 (2003); *In re M.M.M.*, 428 S.W.3d 389, 395 (Tex. App. 2014).
- For a gestational agreement to be validated by a court, medical evidence must prove the intended mother is unable to carry a pregnancy to term and give birth or is unable to carry the pregnancy to term and give birth without unreasonable risk to her physical or mental health or to the health of the unborn child. Tex. Fam. Code Ann. § 160.756(b)(2) (2003).
- State law addresses some of the rights of a person acting as a gestational surrogate:
    - A person acting as a surrogate must be informed about potential medical and mental health risks by the physician. Tex. Fam. Code Ann. § 160.754 (2003).
    - A contract "may not limit the right of the gestational mother to make decisions to safeguard her health or the health of an embryo." Tex. Fam. Code Ann. § 160.754(g) (2003).
- A person acting as a surrogate or the intended parents must be residents of Texas for 90 days prior to filing a petition with a court to validate a gestational surrogacy contract. Tex. Fam. Code Ann. § 160.755 (2003).

UTAH

- Gestational surrogacy contracts can be enforced in court. Utah Code Ann. § 81-5-801 (2025).
- If the gestational surrogate is married, their spouse's sperm or eggs may not be used. Utah Code Ann. § 81-5-801(8).
- At least one intended parent must be a genetic parent. Utah Code Ann. § 81-5-801(5)(b) (2025).
- A person acting as a gestational surrogate may be compensated beyond reimbursement of expenses, so long it is "reasonable." Utah Code Ann. § 81-5-803(2)(g), 81-5-808(1) (2025).
- Intended parents must be married to each other to enter an enforceable surrogacy contract, and the Utah Supreme Court has ruled that this includes same-sex spouses. Utah Code Ann. § 81-5-801(1)(3)(a) (2025); *In re Gestational Agreement*, 449 P.3d 69 (Utah 2019).
- Single intended parents cannot enter enforceable surrogacy contracts. Utah Code Ann. § 81-5-801 (2025).
- All parties must be at least 21 years old and participate in counseling with a licensed mental health professional. Utah Code Ann. § 81-5-803(2)(c), (h) (2025).
- A gestational agreement must be validated by a court to be enforceable. Utah Code Ann. § 81-5-809(1) (2025).

- State law addresses some of the rights of a person acting as a gestational surrogate:
    - The contract "may not limit the right of the [surrogate] to make decisions to safeguard her health or that of the embryo or fetus." Utah Code Ann. § 81-5-808(2) (2025).
- A person acting as a surrogate or the intended parents must be residents of Utah for at least 90 days prior to filing a proceeding to validate a contract. Utah Code Ann. § 81-5-802(2) (2025).

VERMONT

- Gestational surrogacy contracts can be enforced in court. Genetic surrogacy contracts can be enforced in court if the person acting as a surrogate and at least one intended parent are family members. All the same requirements apply to gestational and genetic surrogacy contracts. Vt. Stat. Ann. 15C § 801 (2024).
- A person acting as a gestational or genetic surrogate may be compensated beyond reimbursement of expenses. Vt. Stat. Ann. 15C § 802 (2024).
- Intended parents may enter enforceable surrogacy contracts regardless of whether they are married or unmarried. Vt. Stat. Ann. 15C § 801 (2024).
- Single intended parents may enter enforceable surrogacy contracts. Vt. Stat. Ann. 15C § 801 (2024).
- State law addresses some of the rights of a person acting as a surrogate:
    - A person acting as a surrogate must have independent legal counsel of their choosing, and the intended parents are required to pay for this representation. Vt. Stat. Ann. 15C § 801 (2024).
    - Both a person acting as a surrogate and the intended parents must undergo a medical evaluation. Vt. Stat. Ann. 15C § 801 (2024).
    - A person acting as a surrogate has "the right to use the services of a health care provider or providers of [their] choosing to provide care during the pregnancy." Vt. Stat. Ann. 15C § 802 (2024).
    - The contract must allow a person acting as a surrogate "to make all health and welfare decisions regarding [their] health and pregnancy, and shall not enlarge or diminish [their] right to terminate the pregnancy." Vt. Stat. Ann. 15C § 802 (2024).
    - The intended parents must pay for all healthcare costs not covered by insurance. Vt. Stat. Ann. 15C § 809 (2024).
- At least one party must be a resident of the state. Vt. Stat. Ann. 15C § 802 (2024).

VIRGINIA

- Gestational and genetic surrogacy contracts can be enforced in court in a number of circumstances:
    - A person acting as a gestational or genetic surrogate can agree to give up her rights on or after the fourth day after the child is born, or the parties can go through a lengthy court pre-approval process. Va. Code Ann. §§ 20-158, 20-159, 20-162 (2019).
    - Genetic surrogacy contracts can be enforced in court, but a person acting as a genetic surrogate may terminate the contract within 180 days of conception. Termination of the contract results in the person acting as a genetic surrogate and their spouse, if any, being parents. Va. Code Ann. §§ 20-158, 20-161 (2019).
- Compensation beyond reimbursement of expenses is not permitted. Va. Code Ann. §§ 20-160, 20-162 (2019).

- Intended parents may only enter an enforceable surrogacy contract if they are married. Unmarried intended parents who are both genetic parents may still be able to be recognized as parents through other laws. Va. Code Ann. § 20-156 (2019).
- Same-sex spouses may enter enforceable surrogacy contracts. Va. Code Ann. §§ 20-160, 20-162 (2019).
- Single intended parents may enter enforceable surrogacy contracts. Va. Code Ann. § 20-156 (2019).
- State law addresses some of the rights of a person acting as a surrogate:
    - A contract must address how expenses will be paid and guarantee payment through escrow, cash, or bonds. Va. Code Ann. § 20-160 (2019).
    - A person acting as a "surrogate shall be solely responsible for the clinical management of the pregnancy." Va. Code Ann. § 20-163 (2019).

WASHINGTON

- Gestational and genetic surrogacy contracts can be enforced in court. Wash. Rev. Code § 26.26A.700, et seq. (2019).
- A person acting as a genetic surrogate may change her mind up to 48 hours after birth. Wash. Rev. Code § 26.26A.765(1)(b) (2019).
- A person acting as a gestational or genetic surrogate may be compensated beyond reimbursement of expenses. Wash. Rev. Code § 26.26A.715 (2019).
- Intended parents may enter enforceable surrogacy contracts regardless of whether they are married or unmarried. Wash. Rev. Code § 26.26A.705 (2019).
- Single intended parents may enter enforceable surrogacy contracts. Wash. Rev. Code § 26.26A.705 (2019).
- State law addresses and protects many of the rights of a person acting as a surrogate:
    - A person acting as a surrogate must have independent legal counsel of her choosing, and the intended parents are required to pay for this representation. Wash. Rev. Code §§ 26.26A.705, 26.26A.710 (2019).
    - Both a person acting as a surrogate and the intended parents must undergo a medical evaluation and mental health consultation. Wash. Rev. Code § 26.26A.705 (2019).
    - The contract must address how the intended parents will pay for the costs of surrogacy, including health care for the person acting as a surrogate and the child. Wash. Rev. Code § 26.26A.715 (2019).
    - The contract "must permit the woman acting as a surrogate to make all health and welfare decisions regarding herself and her pregnancy." The statute explicitly "does not diminish the right of the woman acting as a surrogate to terminate her pregnancy." Wash. Rev. Code § 26.26A.715 (2019).
- At least one party must be a resident of the state, or a medical evaluation or procedure or mental health consultation must occur in the state. Wash. Rev. Code § 26.26A.710 (2019).

WEST VIRGINIA

- State law does not address whether surrogacy contracts of any kind can be enforced in court.
- It is not a crime to pay "fees and expenses" related to a surrogacy contract. W. Va. Code Ann. § 61-2-14h(e)(3) (2024).

- In practice, people enter gestational surrogacy contracts in West Virginia, but an adoption after birth may be required. Some surrogacy agencies and attorneys report that some intended parents are able to get a court order recognizing them as parents without an adoption.

WISCONSIN

- Gestational and genetic surrogacy contracts can be enforced in court if the court determines the contract is in the best interest of the child. A surrogacy contract cannot require the person acting as a surrogate to terminate their parental rights against the surrogate's wishes, at least for a person acting as a genetic surrogate. *In re F.T.R.*, 833 N.W.2d 634 (Wis. 2013).
- A person acting as a gestational or genetic surrogate may be compensated beyond reimbursement of expenses. *In re F.T.R.*, 833 N.W.2d 634 (Wis. 2013).

WYOMING

- Gestational and genetic surrogacy agreements can be enforced as to parentage of the child. Wyo. Stat. Ann. § 35-1-410 (2021).
- The surrogacy agreement must be written and notarized, and filed with the state registrar of vital records. Wyo. Stat. Ann. § 35-1-401(1)(xiv) (2021).
- There must be two intended parents who are parties to the surrogacy agreement. Wyo. Stat. Ann. § 35-1-401(1)(xiv) (2021).
- Surrogate may not be compensated beyond "expenses related to prenatal care, delivery of the child and any other costs including the cost of lost opportunity that are directly connected to the pregnancy" Wyo. Stat. Ann. § 35-1-401(1)(xiv)(G) (2021)

DISTRICT OF COLUMBIA

- Gestational and genetic surrogacy contracts can be enforced in court, but for genetic surrogacy contracts, either the intended parents or the person acting as a genetic surrogate can change their minds up to 48 hours after birth. D.C. Code §§ 16-404, 16-407, 16-411 (2001).
- A person acting as a gestational or genetic surrogate may be compensated beyond reimbursement of expenses. D.C. Code §§ 16-401, 16-406 (2001).
- Intended parents may enter enforceable surrogacy contracts regardless of whether they are married or unmarried. D.C. Code § 16-401 (2001).
- Single intended parents may enter enforceable surrogacy contracts. D.C. Code § 16-403 (2001).
- D.C. law addresses some of the rights of a person acting as a surrogate:
    - A person acting as a surrogate must be represented by independent counsel of their choosing, but the intended parents are not required to pay for this representation. D.C. Code § 16-406 (2001).
    - Contracts must provide that a person acting as a surrogate "shall maintain control and decision-making authority over the surrogate's body" and "may not limit the right of the surrogate to make decisions to safeguard the surrogate's health or that of the embryo or fetus." D.C. Code § 16-406 (2001).
- One of the parties must be a resident of D.C. or live in D.C. for one year, unless the child was born in D.C. D.C. Code § 16-407 (2001).