

## **Gay and Lesbian Activists Alliance of Washington, D.C.**

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### **Testimony on Bill 20-32, "Surrogacy Parenting Agreement Act of 2013"**

Delivered before the Committee on Judiciary and Public Safety

June 20, 2013

Good morning, Chairman Wells and councilmembers. I am Rick Rosendall, President of the Gay and Lesbian Activists Alliance, which has fought for LGBT equality in the District since 1971.

We strongly support the legalization and regulation of surrogacy parenting agreements. This is one of our key legislative goals, and represents a major step in ensuring that the District's family law reflects the reality of our city's diverse families and affords them equal protection. We thank Councilmember Catania for introducing the original draft of Bill 20-32, and we thank the rest of the Council for cosponsoring it. That unanimity reflects the fruits of collective effort over many years by people from across the District to make real our city's motto, "Justitia Omnibus." We also thank your committee staff for their excellent work.

Our advocacy and the District's family law have been greatly enhanced by the expertise and dedication of our colleague, Professor Nancy Polikoff. We agree with her that this bill should cover traditional surrogacy arrangements in addition to gestational surrogacy arrangements. As she points out, the main difference between the two is the genetic contribution by the traditional surrogate; but central to our evolved concept of parenthood is that genetics are not essential to it. The greater profitability of gestational surrogacy is insufficient reason to regulate it alone rather than both forms of surrogacy. The parties to both types of arrangements need protection.

We have not taken a position on Professor Polikoff's proposal that the surrogate be given 24 hours after the child's birth in which to assert parental rights, though we respect her reasoning that gestation is a form of care and should count more than donation of genetic material. But in that case, we agree with former GLAA President Bob Summersgill that the surrogate, in asserting parental rights, would be breaking the contract and should therefore reimburse the intended parents for their expenses related to the arrangement, plus interest. Regulation is needed here precisely because a surrogacy arrangement is not something to be entered into lightly, without careful consideration of, and legal clarity regarding, the possible implications.

The current law is a relic. Our more recent lawmaking reflects an understanding that love and commitment are what make a family. The District, which was ahead of the national curve in enacting civil marriage equality, must catch up with the new ways by which many families in our city are formed. That is in the best interests of all involved, especially the children.

Thank you.