



Gestational Carrier Agreement Act Passed in New Jersey

Client Advisories

06.01.2018

On May 30, 2018, Governor Murphy executed the New Jersey Gestational Carrier Agreement Act, which now permits parties to enter into an Agreement to contract for one party to become pregnant for an intended parent or parents through assisted reproductive technology. The Act specifically provides for the gestational carrier to waive any and all rights to the intended child, and for the intended parent or parents to assume all responsibility and parentage of the intended child upon its birth.

The Act provides a legal framework for the Gestational Carrier Agreements, which, if executed in accordance with the Act, will now be binding upon all parties. The gestational carrier, who must be at least 21 years old and given birth to at least one child, must complete a medical and psychological evaluation prior to enter into any Gestational Carrier Agreement. The intended parent or parents must also complete a psychological evaluation prior to entering into any Gestational Carrier Agreement.

The New Jersey Gestational Carrier Agreement Act allows the intended parents to pay for the gestational carrier's "reasonable expenses" which includes medical and hospital expenses, reasonable attorney's fees, reasonable living expenses including reasonable food, clothing, medical expenses, shelter, and counseling services during the pregnancy as well as the period of postpartum recovery.

The New Jersey Gestational Carrier Agreement Act requires both the gestational carrier and the intended parents to be represented by counsel. If considering a Gestational Carrier Agreement, please contact the attorneys in the **Family Law Department** of Archer Law in Haddonfield, N.J., at (856) 795-2121, in Princeton, N.J., at (609) 580-3700, in Hackensack, N.J., at (201) 342-6000, in Philadelphia, Pa., at (215) 963-3300, New York, N.Y. at (212) 682-4940 or in Wilmington, Del., at (302) 777-4350.

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Attachments

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