

Senate Bill 163 with -1 Amendments

Chair Prozanski and members of the Senate Committee on Judiciary:

My name is Jennifer Wolfson, and I am an attorney in private practice. Since the opening of our firm in 2013, I have been practicing in the areas of Adoption and Assisted Reproduction Technology (ART) which includes gamete and embryo donation, surrogacy, and parentage. For the past 12 years, I have represented intended parents, surrogates, gamete and embryo donors, birth parents, and adoptive parents and I am writing in support of SB 163 with the -1 amendments.

While I support the entirety of SB 163 with -1 amendments, my written testimony here will focus mainly on the ART provisions and specifically, gestational surrogacy. Although gestational surrogacy has been taking place in Oregon for decades, there are currently no substantive or concrete protections for intended parents, gestational surrogates, or the children born as a result of surrogacy agreements under Oregon law. I believe that SB 163 with -1 amendments will provide much-needed guidance and protection for those folks involved in gestational surrogacy, including intended parents who find themselves in the unenviable position of needing the help of others to have a family.

Since 2013 I have represented many couples who struggled for years with infertility either because of the inability to get pregnant or the tragic loss of those pregnancies once conceived. The joy and happiness that they found by having a child through gestational surrogacy is indescribable. For example, I am currently representing a married couple who have been trying to conceive a child for over 10 years. Over these years they submitted to an endless amount of medical testing, fertility treatments, including in vitro fertilization (IVF) and embryo transfer, and suffered seven (7) heartbreaking miscarriages. They finally turned to gestational surrogacy and their first child is due to be born next month. To say that they are “over the moon” is an understatement.

In addition to intended parents, I have represented countless gestational surrogates who have completed their own family and want nothing more than to help another couple have a child. I have been truly touched and inspired by the generosity and self-sacrifice of these amazing women.

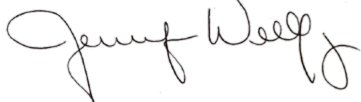
The folks involved in gestational surrogacy, intended parents, gestational surrogates, and the children born as a result of surrogacy agreements need and deserve the legal protection that I believe SB 163 with -1 amendments will provide.

For example, SB 163 with -1 amendments provides that court documents regarding surrogacy agreements shall be sealed and exempt from public disclosure. Currently, this is not the case and in fact, under current Oregon law, these records must be and remain public. As you can imagine, having these records be public is extremely difficult and distressing to the folks involved, especially intended parents. It is difficult enough to experience infertility and the pain and disappointment that comes along with it, but to have personal, private, and intimate information accessible to the public causes further unnecessary harm. SB 163 with -1 amendments would solve this problem by requiring the sealing of these court records and thereby protecting the privacy of intended parents, surrogates, and the children born as a result of surrogacy agreements.

SB 163 with -1 amendments will provide the statutory framework and legal protections for folks who must have help to conceive and have children and for those who seek to help them. I encourage you to support SB 163 with -1 amendments and move it to the Senate floor with a do pass recommendation.

Thank you very much for your consideration.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jennifer Wolfsong". The signature is fluid and cursive, with the first name "Jennifer" written in a larger, more prominent script than the last name "Wolfsong".

Jennifer Wolfsong

Attorney at Law