

Testimony of Beth S. Wolfson, Attorney—March 31, 2025

**Senate Bill 163 with -1 Amendments**

Chair Prozanski and members of the Senate Committee on Judiciary:

My name is Beth S. Wolfson and I am writing in support SB 163 with the -1 amendments.

I am a licensed attorney and a member in good standing of the Oregon State Bar. I have been practicing law for 22 years. I own a small law firm in SW Portland with my spouse, also a licensed attorney. We have two main practice areas, one of which is “family formation law” and includes adoption and assisted reproduction (“ART”). ART law, in particular, includes representing clients in the formation and negotiation of contracts for sperm donation, egg donation, and embryo donation, as well as contracts for gestational surrogacy, and judicial proceedings for surrogacy-related parentage. In the 13 years that I’ve been practicing ART law, I’ve represented donors, recipients, surrogates, and intended parents. I have been deeply moved by the pain some individuals experience because they are unable to have children without ART and equally moved by the compassion and generosity of the donors and surrogates who contribute gametes or carry pregnancies for intended parents because they want to help others experience the joys of parenthood.

I strongly believe that SB 163 with the -1 amendments will benefit and protect both the individuals participating in ART and the children that are conceived and born as a result of ART procedures.

While I support SB 163 with -1 amendments in its entirety, I would like to focus my written testimony on a few specific points relating to gestational surrogacy:

**Certainty**

Individuals and couples have been growing their families in Oregon through ART for decades yet they do so without the certainty that what they are doing is legally enforceable. While the science and medicine involved in ART has advanced steadily over the years, the law has not kept pace. Many intended parents who are resorting to gestational surrogacy, in particular, have often already experienced years of uncertainty in their efforts to have children, only to face more uncertainty as they enter into legal contracts and strategize how to establish the legal parent-child relationship of children conceived and born through ART. A statutory scheme that affirms the legality of ART in Oregon, and provides framework and guidelines for creating or growing a family in this manner, will provide immeasurable reassurance to individuals and couples who are unable to have children without participating in ART.

## **Privacy**

In gestational surrogacy, once a pregnancy is confirmed, we resort to the Courts for establishing/affirming the legal relationship of the intended parents to the child conceived through assisted reproduction and born to the gestational surrogate; however, there is currently no authority for sealing the Court record. This means that the facts and circumstances of each person's case are discoverable by the general public. While that makes sense in many types of judicial proceedings, in gestational surrogacy, it means that many specific and intimate facts relating to how an individual or couple became parents – many of whom have long struggled with infertility – is subject to public scrutiny.

In addition to laying bare information that would be otherwise private but for the need for assisted reproduction, there are sometimes also safety concerns with having such information be part of the public record. I recently represented an intended parent who has received many credible and verified threats of violence against her. Her safety lies, in part, with trying to keep details about her location private. But without being able to seal the judicial record, certain information about her general location is ascertainable and therefore her safety, and that of the child, the gestational surrogate, and even potentially hospital staff, could be jeopardized.

The provision of SB 163 that allows the Court record to be sealed, and which can be applied retroactively to previous judicial proceedings, not only provides families with privacy but can also protect the safety and well-being of certain individuals throughout – and following conclusion of – the judicial proceedings.

## **Conclusion**

In conclusion, I support SB 163 with -1 amendments in its entirety, but with additional strong support of the provisions relating to assisted reproduction and gestational surrogacy. I strongly believe this statutory framework will provide much-needed relief, certainty, and privacy to the intended parents seeking to have children through ART and surrogacy, as well as to the donors and gestational surrogates 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,

Beth S. Wolfsong

Attorney at Law

