



Irish Families Through Surrogacy

Twitter: @IrishFamiliesTS | Instagram: @IrishFamiliesThroughSurrogacy

Email: irishfamiliesthroughsurrogacy@gmail.com

5.5.22

Statement to the Special Joint Oireachtas Committee on International Surrogacy

Thank you to the chair and the committee for inviting us back today. My name is Ciara Merrigan and I am the chairperson of Irish Families Through Surrogacy, a nurse by profession and a mammy to 3 year old twins Clara and Matthew born through international surrogacy. I am here to speak on behalf of hundreds of families created through surrogacy across Ireland. I would like to start out today reading a message I received from Siobhan, one of our members. Siobhan is a radiographer from Donegal. With a diagnosis of severe Adenomyosis, Asherman's Syndrome and years of infertility, Siobhan and her husband Paul turned to surrogacy as their last hope to create a family. Siobhan is now a Mammy to a 4.5 year old girl and a baby boy, born through surrogacy last November in the USA .

“Ciara our houses should be empty, devoid of noise and mess and chaos and pieces of artwork strewn across the floor like my house is today. I shouldn’t be a parent and yet, here I am with two of the most precious children. We are blessed and not a day goes by that I don’t pinch myself that I am here in this situation.

It is just amazing what surrogacy is, and what it has done for me, my husband and my whole family. It has been life changing and life saving for me if I am to be perfectly honest. I am sure you and others understand this. I have been to some very dark places on my path but thanks to my amazing surrogates Triona and Lakyn, we have been able to succeed and thrive as a family. My husband and I completed every piece of research before taking that leap down this path. It is so important for us to be able to tell our children that we have been their mammy and daddy every step of the way including seeing off our embryos as they were being shipped from the Merrion Clinic to the USA ”



Irish Families Through Surrogacy

Twitter: @IrishFamiliesTS | Instagram: @IrishFamiliesThroughSurrogacy

Email: irishfamiliesthroughsurrogacy@gmail.com

The wish to raise a family is not an expectation but a shared hope for healthy, happy and rewarding lives. We wish for equal pregnancy partners, surrogates and donors who can share our hope and the experience of creating a new life. New life, a child who needs the secure, loving and nurturing environment of a family to flourish. We believe our laws and regulations should be designed as an ‘invisible’ protector and enabler of children’s well-being and their right to family and citizenship.

It is alarming that the legislation does not include retrospective recognition as a means to create a legal parent-child relationship with their second parents for those existing children born prior to the commencement of the bill. Hundreds of children from every county across Ireland remain unprotected, many of these children have or will turn 18 years of age soon and will lose the opportunity for a lifelong legal relationship with their mothers. The mothers that are their caregivers, who love them, raise them and want to fully protect them. This situation is clearly contrary to the best interests and welfare of Irish children and leaves them in a legal limbo. The importance for our children of creating the legal-parent child relationship on their social, emotional and psychological wellbeing is completely immeasurable. IFTS are recommending an expedited route to parenthood for the protection of these children.

IFTS first piece of advice to any couple going down the road of surrogacy is to seek legal advice from a solicitor who has experience in this field. The solicitor in that first consultation will explain to the couple what's involved from start to finish. This can often be a difficult meeting for the intended parents as it may be the first time they hear that the intended mother will not be recognised in Ireland, even if it's the intended mother's own eggs that are used.

Our members are currently experiencing huge variation in the legal process, time taken and cost here in Ireland. As you have heard previously we have some members who have had a five year wait to get the fathers parentage through leaving their children without a legal parent in this state for five years. This variation is dependent on the legal representation employed by the couple and also on their address for access to courts, essentially you could say it is a post code lottery. There is also a variation in the process and courts used. Some solicitors and barristers are using the family circuit courts and others the high courts. We are aware that the court



Irish Families Through Surrogacy

Twitter: @IrishFamiliesTS | Instagram: @IrishFamiliesThroughSurrogacy

Email: irishfamiliesthroughsurrogacy@gmail.com

service is changing and we welcome this change. We would expect that this change would ensure a more streamlined specialist approach.

Intended parents availing of international surrogacy will also employ an international legal practitioner in the country they choose. The legal practitioner engaged is independent to the surrogate mother's legal practitioner. It is the role of this legal practitioner to ensure all contracts and affidavits are credible and that the law, regulations, and best practices of the jurisdiction are respected. The international legal practitioner will prepare all documents and ensure they are translated and apostilled and re-translated including birth certificates and documents required to exit the country and return to Ireland. The legal practitioner would work closely with the Irish Embassy staff.

The surrogate mothers is assigned an independent legal practitioner. Their role would be to ensure that the surrogate mother is fully informed, gives informed consent to the process and fully understands the consequences of the law in their own country and the intended parents' country of origin. IFTS would recommend that all surrogacy contracts should be individualised and directly between parents and the surrogate to ensure the relationship between the two parties starts early and is not intermediated. Having a direct contract with a surrogate who has independent legal advice would mitigate the chances of exploitation and ensure the best possible scenario for ensuring surrogate welfare. The legal support employed for both the intended parents and the surrogate must be members of and governed by a regulatory authority in their own country.

It is our experience that there are robust processes and arrangements in place internationally for the verification of documents issued in the country of birth to ensure all parties are protected. This would include oversight from legal practitioners, the court system in some jurisdictions, Irish embassy processes and international Passport control on exit.

With the introduction of legislation, IFTS would see a role to provide advice and guidance on the entire process and work in partnership with the Assisted Human Reproduction Regulatory Authority and the Department of Foreign Affairs to support intended parents and children through the process safely.