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**STATEMENT BY DELIA W. STROUD, ESQUIRE
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Presented At Hearing Of
House Judiciary Committee
Regarding HB 745

My name is Delia Stroud. I am Chairperson of the National Committee For Adoption (NCFA). Thank you for inviting me to testify today on behalf of the NCFA. We are a national, non-profit, non-sectarian organization that is concerned about quality services to women with crisis pregnancies, about adoption, and about services to infertile couples and others who want to build families through adoption. We have 150 member agencies, including four (4) agencies in Pennsylvania, and several thousand individual supporters and volunteers.

I want to commend you for your efforts to address the surrogacy issue, for holding hearings, and for proposing legislation that you believe will remedy the situation. We agree with HB 745 that enforcement of commercial surrogacy agreements equates with the constitutionally prohibited action of baby selling.

I want to emphasize that NCFA is very sensitive to the plight of infertile couples. It is such couples, now mostly adoptive parents, who make up the core of our individual support. Because we are the only national organization currently collecting the statistics, we also know what the imbalance is between couples seeking to adopt and healthy infants needing adoptive homes. According to the United States Center For Disease Control, the number of infertility consultations with doctors has doubled since 1981. Couples paid more than two million visits to such doctors in 1983 alone. Yet, although there were more than 800,000 babies born in 1986 to young, unmarried women, less than five percent (5%) of those young women made adoption plans for

their babies. For example, in 1986, the last year for which there is data, there were about 48,000 births out of wedlock in Pennsylvania. Of those 985, or approximately two percent (2%), resulted in adoptions of healthy infants.

A primary reason for the tremendous disparity between the number of babies born out of wedlock and the number placed for adoption is the lack of adequate maternity services and adequate counseling on the adoption option. Based on our experience with current statistics of our non-profit agency membership, about 40 percent of young women who do use residential maternity services opt for adoption. A federally supported research study in Illinois suggests that at least 30 percent of pregnant teens will choose adoption if quality counseling and maternity services are provided. These statistics indicate that through a comprehensive strategy including provision of residential maternity services and promotion of adoption, babies already being born would increasingly be available for adoption by infertile couples.

Yet in Pennsylvania under HB 836, agencies cannot be reimbursed by adoptive parent fees for such vital services as counseling and housing. This law thus creates needless obstacles to adoption in Pennsylvania and should be amended.

I am an infertile woman and an adoptive parent. I understand fully the desperation felt by those who desire to have a family but are unable to conceive. I can, nonetheless, state unconditionally that my husband and I would never have resorted to surrogacy. In spite of our desperate wish to become parents,

we could not have justified entering into an unethical contract that exploits a child as a commodity and a woman as a baby-maker. The laudable end of parenthood does not justify using whatever means one chooses. Instead, the best route to parenthood for infertile people is adoption, as it legally and ethically meets the needs of all concerned.

Adoption is a service for a child who needs a home; surrogacy is a service for a couple who needs a baby. Adoption is the result of an unplanned pregnancy; surrogacy is the result of a planned pregnancy. We know we cannot approach a young woman and buy her baby and place it for adoption regardless of how wonderful the adoptive parents are and how willing the birth mother is. Yet, commercial surrogacy creates such a "class of . . . baby bearers for money." (Rabbi Marc Gellman, The Jewish Exponent, January 23, 1987) and thus threatens the socially beneficial institution of adoption. For there seems no distinction legally between saying a woman may receive money for the transfer of a child intentionally conceived and saying a woman may receive money for a child accidentally conceived.

Further, commercial surrogacy threatens the stability of families by exploiting, in particular, first the woman who conceives the baby with the expressed intention of selling it; secondly, her children, if any; and thirdly, her spouse, if any. The surrogate industry has theorized that it is more logical to assume that a woman who has already experienced pregnancy and childbirth understands what she is doing when she signs a pre-

conception contract. As a result, most surrogacy brokers recruit women with at least one (1) child. The nature of surrogacy arrangements is such that most children know their mothers are involved "in growing a baby for someone else," and although they may see this as a generous act on one level, on another level the idea creates tremendous insecurity. Siblings see the mother's proposed act of transferring custody (whether for a fee or not) as a threat to their own stability: Will she sell or give me away too? We realize that it is unwise to separate siblings in adoption; it is also unwise to separate siblings for surrogacy. Further, as the months progress, the spouse of a surrogate mother may bond to that child carried by his wife. As any adoptive father could testify, their love for their children is no less even though there is no biological connection.

Finally, contrary to assertions by surrogacy proponents, there is no constitutionally protected right to bear or beget a child through surrogacy. Although consenting adults have a constitutional right to deal with matters of reproduction as they deem appropriate, the effects on innocent third parties must be considered. As a general rule, a person has the right to make decisions affecting his or her own body unless the choice adversely affects others. Surrogacy arrangements do harm others. Moreover, the right to make choices about reproduction does not translate to a right to have custody of a baby. If such a constitutional right to custody of a baby existed, would we not have to allocate babies available for adoption via lottery and

provide governmental subsidies to enable every person to have a baby regardless of his or her marital status or ability to care for a child?

Given that surrogacy arrangements are inherently damaging to all parties, we support prohibiting any form of surrogacy and hope Pennsylvania will focus on providing comprehensive services for those young women confronting unplanned, out of wedlock pregnancies. You would thus address the critical human and financial crisis of teen pregnancy and single parenting and, at the same time, help address ethically the needs of those who are so desperate to become parents.

Again, thank you for inviting me to testify.

Respectfully submitted,



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