

**Remarks of Richard B. Vaughn to American Bar Association House of Delegates
Re: Resolution 111, Model Act Governing Assisted Reproduction
January 28, 2019**

Thank you chairman Bay and good afternoon Delegates.

I'm here today to ask for your vote in support of Resolution 111, the Model Act Governing Assisted Reproduction 2019, which represents a much-needed overhaul and modernization of the 2008 version of this Act.

When the 2008 version was in its drafting stage (which lasted for several years), ART law was still ostensibly in its infancy. The first test tube baby was born in 1978. The first surrogacies started happening in the mid-80s. And in the late 80's, 1990s and early 2000s, the lawyers and judges dealing with these cases were left to figure it out on their own without any real guidance. And while the 2008 version of the Model Act was helpful, when it was finally passed it quickly became outdated, as ART case law and ART statutes began to unfold across the country.

In the years following its original passage, there were also a number of significant social and medical advancements, including the 2015 US Supreme Court ruling in Obergefell, legalizing same-sex marriage across the country, which was particularly meaningful to me, my husband and our two children that we had through surrogacy and egg donation.

As a result of Obergefell, the dramatic evolution of the medical technology and increased success rates, and the tremendous increase in the use of assisted reproduction as an avenue for intended parents to build their families, we at the Family Law Section have... for several years now, with a multitude of participants from many sections of the bar, including the Health Law Section, the Section of Real Property Trusts and Estates, the Science and Technology Section, and the ABA Commission on Sexual Orientation and Gender Identity... as well as colleagues outside of the ABA at the Uniform Law Commission, the National Center for Lesbian Rights, and the National LGBT Bar Association... taken a very hard look at the 2008 Model Act and have added many new defined terms and updated the language throughout, so that it is neutral as to gender and sexual orientation. We have established baseline best practice standards and eligibility requirements for all types of surrogacy for the safety of all participants in assisted reproduction. We have replaced the parental establishment provisions for gestational surrogacy to keep in step with current practice. We have addressed traditional / genetic surrogacy which was not addressed at all in 2008 Model Act, and as a result we have also added parental establishment provisions for traditional / genetic surrogacy as well.

In summary, Resolution 111 seeks to significantly modernize the ABA's guidelines on parentage via assisted reproduction and bring them up to speed with the multitude of social, legal and medical technology advancements in this area, and it is a necessary step in the right direction in preparing for the future of parentage Law, and we urge your support for its passage. Thank you.