SURROGACY AGENCIES — GUIDE

How to Vet a Surrogacy Agency: Escrow, Screening, Contracts

A checklist for intended parents to evaluate surrogacy agencies. Covers escrow practices, surrogate and intended parent screening standards, contract transparency, fee disclosure, and red flags.

Updated November 1, 2026

Choosing a surrogacy agency is one of the most consequential decisions in your journey. This guide provides a framework for evaluating agencies based on verifiable practices. It is not legal advice; have an independent attorney review all agreements.

Source for screening standards: American Society for Reproductive Medicine (ASRM), "Recommendations for practices using gestational carriers: a committee opinion", Fertility and Sterility 2022;118(1):65-74 (checked 2026-11-01). ASRM practice documents: https://www.asrm.org/practice-guidance/practice-documents/

1. Escrow and financial safeguards

| Check | What to verify | Why it matters | |-------|----------------|----------------| | Independent escrow agent | Funds held by a licensed escrow company or attorney trust account, **not** the agency | Prevents commingling; protects your money if the agency closes | | Escrow agreement copy | Request and review the escrow agreement before funding | Confirms disbursement rules, milestone triggers, and dispute process | | Funding schedule | Milestone-based (not large upfront deposits) | Limits exposure; you pay as milestones are met | | Surrogate compensation schedule | Base pay + reimbursement categories clearly defined | Avoids surprise charges mid-journey | | Insurance for escrow | Errors & omissions or fidelity bond on the escrow agent | Recovery path if funds are misappropriated | | Audit rights | Your right to audit escrow statements | Transparency |

Red flag: Agency insists on holding funds directly, requires large upfront payment, or cannot name the escrow agent.

2. Surrogate screening (ASRM-aligned)

Confirm the agency completes **all** of the following before matching:

- [ ] **Medical history review**: Detailed obstetric and gynecologic history
- [ ] **Physical examination**: By a reproductive endocrinologist or OB/GYN
- [ ] **Infectious disease testing**: HIV, hepatitis B/C, syphilis, CMV, chlamydia, gonorrhea (per the ASRM-recommended panel, before embryo transfer)
- [ ] **Psychological evaluation**: By a licensed mental health professional experienced in third-party reproduction; clinical interview plus psychologic testing (e.g. PAI or MMPI)
- [ ] **Criminal background check**: Surrogate and partner/spouse (agency practice, not an ASRM requirement)

• [ ] **Home visit / social assessment**: Environment, support system, stability (agency practice, not an ASRM requirement)
• [ ] **Insurance review**: Surrogate's health insurance analysed for surrogacy exclusions; confirmation of coverage or plan to obtain surrogacy-friendly policy
• [ ] **Prior pregnancy records**: At least one term, uncomplicated delivery (ASRM says "ideally"; most agencies require it)
• [ ] **Age and BMI limits**: Typically 21–42 years, BMI < 32 (agency practice; ASRM prefers age 21–45 and sets no BMI limit)

Ask the agency: "Which of these screenings do you complete before matching? Can I see a redacted sample screening report?"

3. Intended parent screening

Ethical agencies also screen intended parents:

• [ ] **Medical review**: Fertility diagnosis, treatment plan
• [ ] **Psychological evaluation**: Readiness for surrogacy, parenting expectations
• [ ] **Criminal background check**
• [ ] **Financial verification**: Ability to fund the journey (proof of funds or financing pre-approval)
• [ ] **Legal capacity**: Marital status, citizenship, ability to obtain parentage in relevant jurisdiction

4. Contract transparency

Document	Should be provided for review before signing
Gestational Carrier Agreement (GCA)	Yes — template and your customised version
Intended Parent Agreement (with agency)	Yes
Escrow Agreement	Yes
Agency Services Agreement	Yes
Insurance authorisations	Yes

Key contract clauses to have your attorney review:

• Surrogate's right to make medical decisions during pregnancy
• Selective reduction / termination provisions
• Compensation triggers and payment schedule
• Expense reimbursement categories and caps
• Insurance obligations (health, life, disability)
• Breach and dispute resolution (mediation/arbitration clauses)
• Governing law and venue
• Confidentiality and social media provisions
• Post-birth contact expectations

5. Fee disclosure

Request a **written, line-item cost estimate** covering:

• Agency fee (flat or milestone-based)
• Surrogate base compensation range
• Estimated reimbursement categories with caps

- Legal fees (your attorney + surrogate's attorney)
- Escrow management fees
- Fertility clinic fees (IVF, medications, monitoring, transfer, PGT-A)
- Insurance premiums and uncovered medical costs
- Travel, lodging, per diem estimates
- Contingency buffer (recommended 10–15%)

Red flag: Agency refuses to provide written estimates, gives only a single "all-in" number, or says "it depends" without ranges.

6. Track record and references

- Years in business
- Number of completed journeys
- Number of journeys in the last 12 months
- References from recent intended parents (3+)
- References from surrogates (if they consent)
- Any litigation, complaints, or regulatory actions

7. Communication and case management

- Dedicated case manager (what is their caseload?)
- Response time commitment (e.g., 24 business hours)
- Regular update cadence (weekly/biweekly)
- 24/7 emergency contact protocol
- Access to a client portal or tracking system

8. Professional memberships and affiliations

Check for membership in:

- **SEEDS** (Society for Ethics in Egg Donation and Surrogacy) — requires adherence to ethical standards
- **ASRM** (American Society for Reproductive Medicine) — clinic/agency affiliates
- **RESOLVE** (National Infertility Association) — professional partners
- State-specific surrogacy professional associations

Note: Membership is voluntary and not a guarantee of quality, but it signals commitment to ethical norms.

9. Questions to ask every agency

1. "Can you provide your standard GCA and escrow agreement for my attorney to review before I commit?"
2. "Who is your escrow agent, and are they licensed/bonded?"
3. "What screening does the surrogate complete before we are matched?"
4. "What is your policy if the surrogate's insurance excludes surrogacy?"

5. "How many journeys have you completed in the last 12 months?"
6. "Can you connect me with 3 recent intended parent references?"
7. "What happens if the first embryo transfer fails? What are the additional costs?"
8. "Are you a SEEDS member? If not, why not?"
9. "How do you handle disputes between intended parents and the surrogate?"
10. "What is your refund policy if no match is found or the journey ends early?"

Summary checklist

Print this and use it for each agency you interview:

- [ ] Independent, licensed escrow agent named and verified
- [ ] Written line-item cost estimate provided
- [ ] ASRM-aligned surrogate screening confirmed
- [ ] Template contracts provided for attorney review
- [ ] 3+ recent intended parent references provided
- [ ] Agency holds professional memberships (SEEDS, ASRM)
- [ ] Clear communication protocol and case manager assigned
- [ ] No red flags (large upfront fees, contract secrecy, unlicensed escrow)

Final step: Have a family-law attorney licensed in the surrogate's state review all documents before you sign.

Frequently asked questions

Should an agency hold escrow funds itself?

Best practice is for an independent, licensed escrow agent or attorney trust account to hold funds. Agency-held escrow creates a conflict of interest. Ask who the escrow agent is and verify their licensing.

What screening should a surrogate complete before matching?

Typical screening includes: medical history review, physical exam, infectious disease testing, psychological evaluation, criminal background check, home visit, and insurance review. The ASRM 2022 committee opinion covers medical, infectious disease, psychosocial and legal evaluation; agencies commonly add background checks and home visits. Confirm the agency completes all of them before matching.

Can I see the agency's standard contract before committing?

A reputable agency will share its template gestational carrier agreement and intended parent agreement for review before you sign. If they refuse, consider it a red flag.