

# Legal medical support

## Support to surrogacy

- Surrogacy for the married couple;
- Surrogacy for the civil married couple;
- Surrogacy for the unmarried people
- Selection of the surrogate mother

The Russian Federation is one of the countries that protect the surrogacy legally.

Article 55 of the Russian Federal Law “On fundamental healthcare principles in the Russian Federation” dated November 21, 2011 No. 323-FZ defines the notion “surrogacy” as a process of bearing and giving a birth (including premature birth) in accordance with the agreement concluded between the surrogate mother (a woman who bears the fetus after donor’s embryo transfer) and the potential parents, whose gametal cells were used for the fertilization, or the single woman who can’t bear and give a birth on medical indications. According to the law both heterosexual couples (married and unmarried) and single women can participate in the surrogacy program. A single man also has the right to take part in surrogacy program.

The current Russian legislation doesn’t give the right for the homosexual couples to participate in the surrogacy program.

### **A questionnaire for the future biological parents**

Full name \_\_\_\_\_

Phone number \_\_\_\_\_

Whats App \_\_\_\_\_

Requirements: \_\_\_\_\_

Paragraph 10 art. 55 of the Russian Federal Law “On fundamental healthcare principles in the Russian Federation” dated November 21, 2011 No. 323-FZ defines the following requirements for the future surrogate mother:

- a woman must have at least one own healthy child;
- only a woman aged 20-35 can participate in the surrogacy program;
- a woman who wants to be a surrogate mother must have a satisfactory state of health and pass the medical examination successfully;
- a woman must give the written informed voluntary consent to medical interference;
- if a potential surrogate mother is married, her husband must give the written consent.

The surrogate mother can't be an egg donor at the same time.

**A questionnaire for a woman who wants to be a surrogate mother**

Full name \_\_\_\_\_

Place of residence \_\_\_\_\_

Phone number \_\_\_\_\_

Whats App \_\_\_\_\_

Email \_\_\_\_\_

Article 51 of the Family Code of the Russian Federation determines that the biological parents can be registered as the parents of the child only with the consent of the woman who gave a birth to that child (the surrogate mother).

Article 52 of the Family Code of the Russian Federation determines that if the biological parents are registered as legal parents of the child in the Civil status registry office, the surrogate mother can't set up a claim to parents' rights in the future. The legislation has a plenty of other standards determining rights and responsibilities of those who take part in surrogacy program. So it is extremely important to arrange the relationship of all sides correctly, who want to use the method of assisted reproduction or implantation of an embryo, concluded the agreement on the gestation by the surrogate mother. Such an agreement is concluded in accordance with the paragraph 2 article 1 and article 421 of the Civil Code of the Russian Federation; art. 31, 35, 48, 51, 52 of the Family Code of the Russian Federation; p. 5 art. 16 of the Russian Federation Law "On acts of the civil status" No. 143-FZ dated 15.11.97; by the order of the Ministry of Healthcare of the Russian Federation "On using assistive technologies in treating the female infertility" dated 30.08.2012 No. 107n. The subject of the agreement is the consent of both sides to participate in "surrogacy program". In the agreement there are all medical actions to be taken with the surrogate mother and also the gestation, the choice of the clinic, the number of planted embryos, the place of residence of the surrogate mother, how by who and in what sequence all procedures are to be paid, what payments are made during the pregnancy, the terms of final payment to the surrogate mother (a fee for recovery of health), and also other essential terms of participating in the program

**Which services are available within the framework of the surrogacy program?**

Services	Packages				
	Economy	Basic	Standard	Comfort	Premium
Legal support up to getting the Birth Certificate	*	*	*	*	*
Notarial services			*	*	*
Presenting the candidacy of the SM examined in accordance with the order of the Ministry of Healthcare		*	*	*	*

of the Russian Federation No. 107, without experience					
Presenting the candidacy of the SM examined in accordance with the order of the Ministry of Healthcare of the Russian Federation No.107, with experience			*	*	*
Polygraph test of the SM		*	*	*	*
Preparation of the SM for an embryo transfer (ET)** incl. medicine monitoring*			*	*	*
Payment of the SM's living in Moscow/Moscow region for 2 weeks before and after ET			*	*	*
Conduct of the SM's pregnancy			*	*	*
Conduct of the SM's polycarpic pregnancy			*	*	*
Providing the SM with all medicine during the pregnancy			*	*	*
Payment of the SM's living in Moscow/Moscow region in the period of the pregnancy					*
Payment of the SM's living in Moscow/Moscow region during 3-4 weeks before the childbirth			*	*	
Monthly payments to the SM			*	*	*
A single payment for the clothes for 20 weeks of the pregnancy			*	*	*
Paid childbirth				*	*
Payment to the SM (without experience) a fee to recover health			*	*	*
Payment to the SM (with experience) a fee to recover health			*	*	*
Providing with the professional mentor				*	*
Total in Rubles:	150 000	400 000			

The price of the packages “Standard”, “Comfort”, “Premium” will be determined after the interview and will depend on chosen medical facility.

\*\*Services of ET are paid extra.

THE PROTECTION OF PATIENTS' RIGHTS WHO SUFFERED FROM BAD-QUALITY MEDICAL SERVICES