

The Counselling Process

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Counselling in Surrogacy in Australia

- ▶ **Pre-Surrogacy counselling:** most jurisdictions have a requirement for pre-surrogacy counselling and/or assessment. Some of this may be done by a clinic counsellor and sometimes an independent external counsellor is required to do an assessment. A decision to treat may be made by the IVF Clinic or a government authority.
- ▶ **During Pregnancy counselling:** some IVF clinics provide during pregnancy counselling, and sometimes it is recommended by the pre-surrogacy counselling report.
- ▶ **Post Birth counselling:** Some jurisdictions require supportive and post birth relinquishment counselling for the surrogate and her partner.
- ▶ **Parentage Order counselling:** Some jurisdictions require formal post birth counselling for all parties to the surrogacy before court processes to change a birth certificate.

Pre-Surrogacy Counselling

- ▶ **Psychological Wellbeing:** reproductive and infertility history and coping strategies, mental health history and current state, any stress factors
- ▶ **Relationships:** between the parties to the surrogacy, stability, long term plans, implications for existing children, and offspring of surrogacy
- ▶ **Gametes/Embryos:** to be used, particularly if any donor gametes, decision making, intentions re disclosure and explanations
- ▶ **Surrogacy Treatment:** perceived control of intended parents re the surrogate, surrogate lifestyle factors, pregnancy risk factors, attitudes to pre-natal screening and termination of pregnancy
- ▶ **Legal Processes:** background of all, knowledge of legal issues and informed consent, what if a change of mind, dispute resolution, relinquishment, dealing with a disabled baby, legal records of donor and surrogacy births.

What the counsellor is looking for

- ▶ There has been permission, time and space for issues to be thoroughly explored;
- ▶ All have the capacity for understanding the implications of surrogacy and possible outcomes;
- ▶ All exhibit empathy and understanding for all involved, including current offspring and potential offspring of the surrogacy;
- ▶ Respectful relationships between all involved;
- ▶ Evidence of an understanding of the legal implications;
- ▶ The best interests of child/children are paramount.

Potential Red Flags

- ▶ Lack of respect by any party to the arrangement for any other party/s;
- ▶ Significant mental health problems;
- ▶ Significant power-control differences;
- ▶ Indications of coercion - either explicit or implicit;
- ▶ Non acceptance by the Intended Parents that the Surrogate has sovereignty over her own body, and hence final decision making in the surrogacy;
- ▶ A criminal conviction, particularly child protection related.

Post Birth Relinquishment Counselling

- ▶ The surrogacy pregnancy and how it was the same and different from the surrogate's own pregnancy;
- ▶ Delivery and handover of the baby - how it proceeded, who was present, and reactions of all during delivery and afterwards;
- ▶ Emotional and physical reactions of the surrogate, before, during and after delivery of the baby;
- ▶ Post birth contact of the surrogate, and her family, with the intended parents, and the baby, since the delivery and handover;
- ▶ A review of the overall impact of the surrogacy experience compared with expectations and how any differences have been experienced and dealt with.

Parentage Order Counselling

- ▶ The understanding of all parties to the surrogacy arrangement of the social and psychological implications of the making of a parentage order (both in relation to the child and to those involved in the surrogacy);
- ▶ The understanding of the principle that openness and honesty about a child's birth parentage is in the best interests of the child;
- ▶ The care arrangements proposed by the intended parent/s in relation to the child;
- ▶ Any contact arrangements proposed in relation to the child and his or her surrogate mother or gamete donor;
- ▶ The parenting capacity of the intended parent/s;
- ▶ Whether any consent given by the surrogate and her partner is informed consent, freely and voluntarily given.

Relationships

Relationships between
intended parents and the
surrogate and her partner
are a key to success

Relationships between Intended Parents and Surrogates

An unpublished study of 160 surrogacy arrangements over 15 year period from 2002 to 2017* found the following relationships of surrogates to intended parent/s:

- ▶ Friend of IM/IF, Extended family such as a Cousin, Friend of Friend, or Friend of Extended family of IM/IF 42.7%
- ▶ Sister of IM or Sister of IF 30.8%
- ▶ Sister in law of IM/IF, or Mother of IM/IF 21.0%
- ▶ Met through Internet Connection or Conference 5.6%

* Montrone M, Sherman K, Rodino I, Avery J. 2018

Building and Enhancing Relationships

- ▶ Establish a strong foundation over a substantial period of time;
- ▶ Interests and conversations outside of surrogacy;
- ▶ Spend time together in person, not just chatting online or on the phone;
- ▶ Surrogacy journeys put even the strongest relationships to the test.

Preparing yourself and Potential Impact on Family Members

- ▶ Going to be harder than you think
- ▶ Family support and understanding is good to have
- ▶ Tell earlier rather than later so they have time to adjust to the idea and ask questions
- ▶ What support are they willing and able to provide?
- ▶ Supporting existing children in understanding surrogacy

Resolving Disputes

- ▶ Surrogacy relationships are complex and misunderstandings or communication breakdowns can occur;
- ▶ Talk to trusted confidants and reflect before talking or taking action;
- ▶ Seek counselling support sooner rather than later;
- ▶ Be mindful of over-sharing on surrogacy forums - they are not confidential;
- ▶ Seek legal advice to clarify the best way forward, not to engage combat;
- ▶ The aim of any professional will be to support the success of the surrogacy and the best interests of the child/ren.