

# INTRODUCTION

This book was first published in 2006 as a summary for lawyers, judges, and legal scholars on the evolving legal issues around assisted reproduction. In the years since the first edition, the field of assisted reproduction has expanded significantly, and the law has also changed dramatically. Since the last edition of this book was published in 2011, we have seen the expansion of marriage equality for same-sex couples to the entire United States with the Supreme Court's landmark 2015 decision in *Obergefell v. Hodges*. While the *Obergefell* decision itself did not specifically address assisted reproduction, it marked a major change in family law jurisprudence, and the repercussions will reverberate for years to come. We have already seen *Obergefell's* impact on family formation through assisted reproduction in the 2017 Supreme Court decision *Pavan v. Smith*.

In the years since the last edition was published, we have also seen an evolution in the societal perception of assisted reproduction, particularly with same-sex family formation and third-party assisted reproduction. In less than a decade, the market for ART services has grown exponentially and has even become globalized. We have seen stories revolving around ART (both good and bad) in popular culture, including movies and television shows.

This edition takes into account many of these significant changes that have occurred since 2011. As we read through the book, we were taken by how much change there has been in the law and the practice of ART since the last edition. Although we have done our best to update the information in this edition as accurately as possible, we recognize that this area of law is constantly changing. We found ourselves making last-minute updates to this book as it went to publication because we wanted to incorporate the latest changes as they were signed into law in various states. We know there will be more after this book goes to print.

The law of assisted reproduction is grounded in family law. How families are created and recognized are key issues to be evaluated in the context of assisted reproduction. As we navigate the medical possibilities for family

formation, we must ask questions about the impact of these technologies on the family, individual identity, and society as a whole. This book can by no means provide answers to the myriad questions posed by ART, but can hopefully serve to ground practitioners in the legal background that must be considered when forming answers.