

ADOPTED**RESOLUTION**

1 RESOLVED, That the American Bar Association urges the United States Department of
2 State to seek the following in negotiations concerning a possible Hague Convention on
3 private international law concerning children, including international surrogacy
4 arrangements:
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- 6 a. That any Convention should focus on the conflict of laws and comity
7 problems inherent in international citizenship and parentage proceedings
8 and that any such collective international approach should allow for cross-
9 border recognition of parentage judgments so that the parental relationship
10 and citizenship status of all children, no matter the circumstance of their
11 birth, will be certain; and
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- 13 b. That any such collective international approach allows individual member
14 countries to regulate surrogacy within their own borders as deemed
15 appropriate by that country without imposing new international
16 restrictions on surrogacy arrangements; and
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- 18 c. That a Central Authority model to regulate surrogacy arrangements is not
19 an appropriate model for any collective international approach regarding
20 surrogacy; and
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- 22 d. That any Convention should recognize the clear distinctions between
23 adoption and surrogacy; and
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- 25 e. That the Hague Convention on the Protection of Children and Co-
26 Operation In Respect of Intercountry Adoption (1993) is not an
27 appropriate model for any Convention regarding surrogacy; and
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- 29 f. That rather than requiring a genetic link, an intent-based parentage
30 analysis is the most appropriate parentage doctrine for surrogacy; and
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- 32 g. That human rights abuses are not necessarily inherent in or exclusive to
33 surrogacy arrangement; and, therefore should be addressed separately.

