



THEM BEFORE US
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Dear Chair Latz and Members,

Them Before Us is a nonprofit dedicated to defending children's rights to their mother and father. We urge you to oppose SF 3504. Under this bill, what makes someone the parent of a child is not the natural biological bond that exists between them, nor adoption—an arrangement that is designed with the *child's* best interest in mind and thus requires rigorous background checks and screening of the adults involved. Rather, it establishes parentage on the basis of *intent*. This change renders children as commodities to be awarded to any adults with the money and means to acquire them.

If a child of surrogacy is one of the 7% of lab-created babies given a chance at life,¹ she will lose the only person she has ever known moments after birth.² Mother-child bonding begins in utero. By the time a baby is born, she knows her mother's voice³ and smell⁴ and has been responding to her emotions.⁵ Studies show that maternal separation—something that every child of surrogacy experiences—is a major physiological stressor for an infant⁶ and even brief maternal deprivation can alter the structure of the infant's brain.⁷ These effects can last into adulthood.

It is one thing for a child to experience this “primal wound” due to tragedy. It is something else entirely when this trauma is inflicted purposefully and commercially. The adults involved may have consented to the terms of the contract, but a child never consents to this trauma and loss.

The only other instances where a child endures this primal wound loss is via maternal death, or when the birth mother places the child for adoption because she cannot or will not afford the baby the care s/he deserves. Adoption is a just society's response to maternal loss. Surrogacy is an injustice that requires children to undergo loss not due to tragedy, but adult intentionality. Consider the differences between these arrangements:

- In adoption, direct payments to birth parents are prohibited—that is child trafficking. The fertility industry is built on direct payments to genetic and birth parents.
- In adoption, kinship and family ties are prioritized. In surrogacy, kinship and family ties are routinely disregarded.
- Adoption requires rigorous background checks and screening of prospective parents. The fertility industry has no such vetting of “intended” parents.
- Adoption upholds the rights of children; the fertility industry victimizes them.

Children are people, not products to be commissioned, swapped, sold, or traded under contract. They deserve to have their rights protected. As one donor-conceived individual put it, “Third-party reproduction is not a new way to create families; it's a new way to rip them apart.”⁸

¹ <https://www.reuters.com/article/us-fertility/conception-is-a-rare-event-fertility-study-shows-idUSTRE69Q50T20101025/>

² <https://simplesurrogacy.com/blog/what-can-a-surrogate-expect-in-the-delivery-room/> and <https://surrogate.com/surrogates/pregnancy-and-health/surrogacy-birth-experience/>

³ “Newborn Senses.” *Stanford Medicine Children's Health - Lucile Packard Children's Hospital Stanford*, www.stanfordchildrens.org/en/topic/default?id=newborn-senses-90-P02631. Accessed 8 Dec. 2023.

⁴ Vaglio, Stefano. “Chemical Communication and mother-infant recognition.” *Communicative & Integrative Biology*, vol. 2, no. 3, 2009, pp. 279–281, <https://doi.org/10.4161/cib.2.3.8227>.

⁵ Semeia, Lorenzo, et al. “Impact of maternal emotional state during pregnancy on fetal heart rate variability.” *Comprehensive Psychoneuroendocrinology*, vol. 14, 14 May 2023, p. 100181, <https://doi.org/10.1016/j.cpnec.2023.100181>.

⁶ Morgan, Barak E., et al. “Should neonates sleep alone?” *Biological Psychiatry*, vol. 70, no. 9, 2011, pp. 817–825, <https://doi.org/10.1016/j.biopsych.2011.06.018>.

⁷ “Even Brief Maternal Deprivation Early in Life Alters Adult Brain Function and Cognition: Rat Study.” *ScienceDaily*, ScienceDaily, 3 May 2018, www.sciencedaily.com/releases/2018/05/180503142724.htm.

⁸ <https://ifstudies.org/blog/the-overlooked-fatherless-one-donor-conceived-womans-story>