

My name is Gareth, and I am married to Jared, and we have a 6-month-old son born through a gestational surrogacy arrangement. I am Fijian of mixed heritage, and Jared is Pakeha. After a decade of living and working in Tamaki Makaurau, where I grew up, we decided to move to Jared's hometown of Te Whanganui a Tara. We were ready for a change of career, lifestyle, and pace of life. Jared and I come from big noisy families spread across New Zealand, Fiji, Australia, the United Kingdom, and other parts of the world. I had always wanted to be a father, but I thought it would never happen after I came out as a gay man, just like I thought I would never be able to get married. But times, attitudes and laws can change, and in 2017 we married in front of all our whanau and friends. We have many children in our lives as we have been blessed with nieces, nephews, and godchildren. We are Uncle G and Uncle J to our whanau, and I thought that this would be our lot in life, but in the back of my mind, I still held onto the dream that maybe I could be a father one day.

It is funny how life has other ideas when you make a decision or a plan because after much soul searching and counselling, I had given up on the dream of trying to have a child because it seemed impossible. Then in November 2018, our beautiful friends offered to carry a child for us even though we had never discussed our desire to have children with them or discussed surrogacy. After the initial shock wore off, we were able to think long and hard about their amazing offer, which coincided with a six-month backpacking holiday before we moved to Wellington. Before we left New Zealand, we approached a close relative of mine to ask if she would be our egg donor so that a child born from our surrogacy would share whakapapa with Jared and me. At the end of our 6-month break, we decided that our friends were offering us the gift of a chance to try and have a child, so with the support of our egg donor, surrogate, partners and whanau, we decided to try.

The surrogacy process began in September 2019, and our son was born two years later, in September 2021, which is quite a fast process compared to other families' experiences. Over those two years, we attended many appointments with the fertility clinic, completed a series of medical tests to assess us as the intending parents, our egg donor and surrogate were medically able to undergo the procedures, and completed counselling sessions for the ECART application and met with our adoption social worker. We were able to file the application with ECART just before the first lockdown in March 2020 and received our approval in May 2020. However, Covid delayed our progress along with clinic delays and the requirement for a 3-month embryo quarantine and retest of Jared and me to make sure we aren't carriers of anything that could affect the health of our surrogate and the baby.

Our surrogacy, at times, felt like it was six people trying to have one baby as we had to agree with all points of the journey as we had to juggle work, family and personal commitments to jump through all of the hoops required to get to the point in which we could try and have a baby.

The adoption process starts when the child is born but is informed by everything you have already undertaken on your surrogacy journey. One of the challenges in surrogacy is the amount of information you are required to share with many different people and organisations, which feels invasive.

To have a child via surrogacy, you must complete an application for ECART. As part of the application process, you must be assessed as a prospective adoptive parent by a social worker from Oranga Tamariki. This assessment includes completing a comprehensive application form that includes police vetting, two home visits from the social worker,

providing two-character references for each intending parent (Jared and I), and signing off from our General Practitioner (GP).

After the information is collated, the social worker assesses it and then recommends supporting the surrogacy application. This assessment is considered by ECART when they assess your application to undertake surrogacy. After the birth of our boy, the adoption social worker gave us the approval to take guardianship which allowed us to take our son home from the hospital. We had ten days to file our adoption application with the Family Court. When the ten days ended, our son stayed under our guardianship, but legally his parents were our surrogate and her husband.

We anticipated that our adoption application could take up to 10 months, depending on the number of cases being heard by the Family Court and the backlog caused by Covid lockdowns and level changes. Luckily for us, our adoption application came up for review in early January 2022, and we were given a court date for a hearing on the 11th of February. Our adoption social worker was asked to write a court report to support our adoption application as part of the court review. A lot of the information previously supplied to the social worker as part of our application to be adoptive parents was used for the court report. We had to have one more home visit from our adoption social worker to see us at home with our son.

While this was happening, our lawyer pulled together all the information required for the application, unlike getting ready for ECART. Our surrogate and her husband were required to seek independent legal advice as they were the legal parents of our son until the adoption order was finalised. As the intending parents, we paid for our lawyer and our surrogate's lawyer, so they weren't out of pocket. In we spent \$5,000.00 on legal fees, and all parts of the surrogacy journey, including all medical appointments, counselling, ECART application, egg donation, embryo creation and embryo transfer, was over \$30,000, and this didn't account for all the time everyone took off from work and life to complete all the requirements.

On reflection, our surrogacy and adoption journey was shorter than many intending parents, and I attribute that to the amount of work I did in my own time managing the various processes, constantly checking on progress and pushing people to get things done as quickly as possible. At our adoption hearing, we were granted a full adoption rather than an interim order which would require another review in 6 months and another visit from the adoption social worker. In her summation of our case, the judge recognised that we were Arlo's parents from birth, and he was biologically related to us, which made him part of our whanau. It felt amazing to have our journey to parenthood affirmed and recognised by the Judge and the Court, and it brought to an end our two- and half-year surrogacy journey to become fathers.

Currently, in a surrogacy arrangement, you have no legal rights as the intending parents. Legally the surrogate could decide to keep the child after birth or make big decisions about the child while they were in utero; it would take away the anxiety and fear you have that someone is going to take your child away or that the child is not going to be able to be placed into your custody at birth. The automatic recognition of us as parents would mean that we wouldn't have had to go through the adoption process, which like the ECART process, we felt like we had to prove again that we are fit and able to be parents. It would reduce surrogacy costs by eliminating the need for more legal advice and a lawyer to present

your application at Family Court. It would allow the Family Court to focus on more important cases.

We have been open about our surrogacy journey with our whanau and friends. I believe it is important to educate people about the process to understand what it takes to have a child through surrogacy. We have always planned to tell our child when they are old enough to understand how they were conceived and who helped us become fathers. As a Pacific Island man, I believe it is important to know who you are, who you belong to and where you come from, so you need to know who gave birth to you and helped create your life. I support having the details of the surrogate and egg donor recorded at birth, but I think the surrogate and egg donor should choose whether this occurs.

As intending parents, you have no rights, but you have many rules to follow, which, if breached, could lead to issues with your social worker's report, ECART application and potentially the adoption order. Our surrogate and her whanau were making the biggest sacrifice for us, which impacted their day-to-day living, and we were worried about offering any support. We were told that doing things like paying for My Food Bag, offering to clean their house, or helping with childcare could be seen as an unintended financial benefit for our surrogate, which was against the rules. So having a clear definition and list of what is ok and not ok would help intending parents as they work out what support can be given to their surrogate.

It would be good if they were able to factor in the time to attend the many appointments and meetings required for a surrogacy application and IVF treatment as part of the reasonable expenses. I think the changes are much needed as the current guidance is unclear and doesn't define what a 'reasonable expense' is.