A Relational Approach to Surrogacy and Assisted Reproduction: Opportunities and Limits in Legal Practice

Sylvie Armstrong
1GC Family Law

Melissa Elsworth
1GC Family Law*

Abstract

This article applies a relational approach to assisted reproduction law in practice. It considers the role of legal practitioners in positively supporting the relationships arising from these arrangements at three key stages, namely (a) creating and maintaining adult relationships, (b) validating or legalizing parental relationships, and (c) managing any conflict that arises. With a primary focus on surrogacy arrangements, it considers not only the limitations of the current law of assisted reproduction when viewed through this lens, but also possible solutions. Proposals include both statutory reform and professional best practice.

Keywords: surrogacy; assisted reproduction; relational approach; legal parentage; parental orders; legal practitioners; alternative dispute resolution; reform.

[A] INTRODUCTION

Historically, law in practice has not been conducive to a relational approach.[1] Typically characterized by adversarialism (Trinder & Ors 2014: 4.2; McFarlane 2024), the idea that someone must "win" does not sit naturally with this lens or approach. Doubtless, there has been a move away from that way of thinking in family law, and perhaps no more so in context of surrogacy or assisted reproduction technology (ART) more generally. Other than in rare instances, this is an unusual area of law

* The authors are very grateful to Marianna Iliadou and Maria Federica Moscati for their comments on earlier drafts of this article and editorial support.

[1] Understood by this article to mean a framework of thinking which recognizes and seeks to foster and support positive relationships, recognizing their importance to both individuals and society. Inherent to this is acknowledging and appropriately redressing power imbalances that arise from both interpersonal and wider social dynamics, whether through law or other more appropriate mechanisms.

in that everyone involved is usually working towards a common goal. While legal practitioners may not expressly use the language of relational rights, they are clearly engaged with them—first in their efforts to make sure that these arrangements proceed smoothly, but also in managing conflict in those instances where they do not.

Undoubtedly, however, limitations remain. Some are the result of the legal framework in England and Wales, particularly in relation to surrogacy. The Law Commissions of England and Wales and Scotland jointly reported in 2023, recommending a comprehensive programme of modernization and reform of surrogacy law (*Building Families through Surrogacy: A New Law*). Key proposals included the introduction of a new legal "pathway" for domestic surrogacy arrangements which would allow intended parents to be recognized as the legal parents from birth, possible dispensation of the need for surrogate consent where required by the child's welfare (expanding the currently limited grounds of dispensation where a surrogate lacks capacity or cannot be found), and closer regulation of surrogacy agencies. To date, these reforms have not been progressed and it remains to be seen whether and when meaningful changes are made.

Other challenges are inherent to legal processes—in particular, the static nature of contractual arrangements and limited scope for collaboration in litigation. These would likely persist even if there were to be statutory reform, and also affect other areas of ART. As this article seeks to demonstrate, taking a relational approach allows for identification of areas for potential improvement and prospective solutions on both counts.

Rather than proposing wholesale policy reform, this article focuses specifically on the role of legal practitioners in positively supporting the relationships arising from assisted reproduction arrangements—in particular, their function in (a) creating and maintaining adult relationships, and (b) validating or legalizing parental relationships. This is followed by short, concluding reflections on (c) managing any conflict that arises. The primary focus of the article is on surrogacy arrangements. Typically, the most intensive relationships to arise from ART, they often require much closer management. Several of the observations, however, particularly in relation to conflict management, are relevant and could be applied to wider forms of ART.

[B] CREATING AND MAINTAINING ADULT RELATIONSHIPS

Creating relationships in surrogacy—the current framework

It is well documented that the adult relationships created by surrogacy arrangements vary dramatically both between jurisdictions and within England and Wales (Jadva & Ors 2019; Payne & Ors 2020). A key feature of domestic surrogacy regulation is that, whilst gestational carriers can be reimbursed for reasonable expenses, arrangements cannot be for profit—they must be "altruistic" rather than commercial. One of the benefits of this model is sometimes said to be that it allows for closer or more meaningful relationships to emerge between intended parents and surrogates as they undertake a shared journey together (Baker 1996: 41). In contrast, it is at times the case that surrogates in international arrangements do not speak English or otherwise remain at an arms-length from intended parents (Jadva & Ors 2019).

In the eyes of the law, there is a wide breadth of possible, legitimate relationships. What is essential in practice, however, is ensuring that the parties are on the same page. In the emotionally intensive process of surrogacy, it is unsurprising that mismatched expectations or understandings can leave one or both parties disappointed. In the worst-case scenario, this can lead to total relationship breakdown—a notable example being *Re AB (Surrogacy: Consent)* (2016). In that instance, while the surrogate did not wish to care for the children herself, she would not provide her consent to a parental order being made as required by section 54(6) Human Fertilisation and Embryology Act (HFEA) 2008 as she felt the applicants had not shown sufficient concern for her wellbeing during the pregnancy. As there is no ability for the Court to dispense with the surrogate's consent (aside from in very limited circumstances including where the surrogate cannot be found or is incapable of giving agreement, section 54(7) HFEA 2008), a parental order could not be made. While the children remain cared for by their intended parents, this is under a child arrangements order (under section 8 Children Act 1989) rather than a parental order, meaning the surrogate and her husband retain legal parentage and parental responsibility for the children, and that the two intended parents (who are also the children's biological parents) do not hold legal parentage for the children. It also means that all four adults share parental responsibility for the children. As observed by the court, this does not accurately reflect their identity as surrogate-born children.

Clearly, therefore, expectation management is essential from the outset to ensure strong adult relationships are created and maintained—and, by extension, preserve the best interests of children born through such arrangements.

There are jurisdictions where legal professionals play a significant role in this. In so-called "free market" regulatory states (Scherpe & Ors 2019) such as California, for example, there is considerable scope for contractual provisions tailored to the wishes and feelings of the parties. This at least ensures that the parties' expectations have been given meaningful consideration in advance. This is typically done with the support of both surrogacy agencies and lawyers, providing clear parameters for the relationship in both the immediate and longer term. Such support and certainty is no doubt part of why many intended parents here travel abroad to undertake surrogacy arrangements (Horsey 2025: 59).

For professionals in England and Wales, striking the balance between supporting clients and legal compliance is more challenging. Under the Surrogacy Arrangements Act 1985 (SAA 1985) as it stands, it is a criminal offence for any person to make, negotiate or facilitate the making of a surrogacy agreement in the United Kingdom (UK) on a commercial basis (section 2 SAA 1985). This was considered as part of the Law Commissions' surrogacy reform project referred to above. They record observations made at the time the 1985 Act was enacted, that:

> Perhaps the most serious danger posed by this piecemeal legislation is its encouragement of amateurish agreements … The couple and the surrogate are left to stumble through the process without the advice of experts. It is most unfortunate that a law that does not condemn the agreement itself does not permit the parties to pursue it in a professional manner (Eaton 1985: 172).

The Law Commissions' report further records that:

> Lawyers to whom we spoke at the time of writing the Consultation Paper saw the current prohibition in the SAA 1985 as a prohibition on providing advice on, negotiating, or drafting in respect of surrogacy agreements into which their clients had entered (2023: paragraph 14.73).

These concerns are also consistent with judicial commentary, with King J (as she then was) observing in *JP v LP & Ors* (2014) that solicitors who had charged the parties to draft a surrogacy agreement (at the request of the hospital where the child was to be born) were in breach of section 2 SAA 1985.

Following responses from multiple actors including the Law Society and leading solicitors in the field supporting the removal of this prohibition, the Law Commissions' report observed that:

> Allowing assistance by advising on or negotiating written surrogacy agreements will help to ensure that surrogacy teams are clear about the consequences of entering into the agreement. This should reduce the potential for disagreement and might also reduce the likelihood of surrogacy arrangements breaking down (Law Commissions 2023: paragraph 14.88).

As part of a wider proposed framework, including regulated surrogacy organizations managed by the HFEA 2008, the Law Commissions therefore recommended that "regulated legal professionals will be able to provide these services on a profit-making basis" (2023: paragraph 14.92). This would allow solicitors and barristers among others to provide these services and play an active role in the creation of these relationships without fear of legal repercussion.

Maintaining relationships—feasible for legal professionals?

To some extent, as demonstrated by responses to the Law Commissions' consultation, creating and maintaining adult relationships in surrogacy arrangements are two sides of the same coin. The clear intention is that having a well-defined framework for the parties from the outset will reduce the risk of crossed wires and consequent breakdown between the parties. In many instances, it seems likely that this will be the case. By drawing on their experience, practitioners can ensure that clients have reflected on and accounted for scenarios they may not have otherwise considered or discussed: whether they agree to genetic testing; what if it is a multiple pregnancy; who will be present for medical appointments and the birth; will there be any contact post-birth, and so on? Considering such minutiae before conception—when all parties have a chance to meaningfully reflect on and respond to the wishes of the others—is clearly less pressurized and relationally risky than doing so during a pregnancy.

Yet, equally, it must be recognized that there are limitations on the extent to which professionals can maintain these relationships. Surrogacy agreements are not enforceable; while they may assist to set the expectations of parties, they cannot formally bind them. Even if legal reform is introduced, it seems highly unlikely that this will substantively change. The draft Bill provided by the Law Commissions following the conclusions of their project retains a provision that they remain unenforceable; the report noting that this is necessary to ensure

appropriate respect for the surrogate's autonomy (2023: paragraphs 1.60, 4.64). Looking to family law more generally in this jurisdiction, it is again rare to see a strict application of contractual principles. Parties will not necessarily be strictly bound to pre-nuptial agreements—for example, it being recognized that the relational nature of family life may mean that circumstances justify departing from this (*Radmacher (formerly Granatino) v Granatino* 2010). While it is important to recognize that there are differences between assisted reproduction and the other adult relationships that family law regulates—in particular, the daily lives and emotions for one another of a surrogate and intended parents are not typically so intertwined as a couple in a romantic relationship—the policy considerations are sufficiently similar that it is likely the same logic will apply. In particular, it is unlikely that determinative weight will be afforded to surrogacy arrangements given the risk that a surrogate's ability to give informed consent may have been adversely impacted by an imbalance in power, there may be unanticipated changes in personal health or circumstance, or the best interests of a child may demand a different outcome.

Perhaps more significantly, written agreements or contracts are by their nature largely static. Relationships are dynamic. In surrogacy arrangements where there is direct communication between the parties, it is almost inevitable that their connection will evolve over the course of the process. While supported by a clear understanding from each side of the other's expectations, in reality it is almost impossible to define or control such progression through the mechanism of a previously agreed written document.

Having acknowledged the limitations of hard law, where does this leave practitioners? Clearly, alternative forms of dispute resolution are likely to be central to providing a constructive solution. These are explored in further detail below.

In considering how practitioners might best implement a relational approach to surrogacy and ART more generally, however, it is also critical to acknowledge the need for a collaborative professional approach. As well as remaining up to date with literature and guidance from other fields such as psychology or child development, it is suggested that practitioners should also seek opportunities to build networks with professionals from such disciplines. Building personal knowledge and otherwise seeking advice and support, not only through court-ordered reports but also at an informal level (while respecting client privacy), would help support clients struggling to maintain these relationships, as

well as ensure that appropriate referrals can be made at an early stage if required. This would further complement the mandatory implications *ex ante* counselling proposed by the Law Commissions, should that recommendation be implemented.

[C] VALIDATING PARENTAL RELATIONSHIPS

It would be artificial to suggest that legal professionals play any meaningful role in creating or maintaining many aspects of the parental bond following assisted reproduction. They are, however, often central to one specific aspect of this: ensuring recognition and validation of the intended parents' legal status.

While again there are some jurisdictions which confer legal status onto intended parents prior to the birth of the child,[2] England and Wales adopts an *ex post* approach, with intended parents only becoming eligible for parental orders following the birth of the child. England and Wales also applies an extra-jurisdictional approach, meaning that, regardless of the position in the foreign state, a parental order will need to be secured in England and Wales in order to transfer legal parentage and parental responsibility from the surrogate (and any spouse) to the intended parent(s). Statistically, it is apparent that the vast majority of these orders are made without difficulty. Hundreds of parental order applications are made each year, with only a handful of such cases being reported. There is simply no need to do so where the intended parents have straightforwardly complied with the statutory criteria. Often, they will have done so having consulted a legal professional in advance of embarking on a surrogacy arrangement, to ensure that intended parenthood can be fulfilled. Such professionals may well have liaised at the outset with partners in other jurisdictions and areas of law (such as immigration) to navigate the intersecting legal frameworks.

Yet, while it is right to say that the vast majority of cases proceed without incident, it must also be acknowledged that the primary cause of surrogacy litigation in England and Wales is not disagreements between parties, but problems with establishing compliance with the statutory criteria such that the parental relationship may be legally validated.

Unsurprisingly, prospective parents will at this stage often instruct legal professionals to access the necessary assistance. Case law reflects that, frequently, their role involves finding creative legal solutions that

[2] For instance, several American states including California and Nevada and other jurisdictions including South Africa and Greece (Scherpe & Ors 2019).

will allow for validation of the parental relationship despite any apparent difficulties. Indeed, perhaps more than any other area, modern family case law is an area where the law has had to find a way to mould and adapt to relationships and circumstances where there are, or potentially are, issues with statutory compliance. Important examples of this have included:

a. relying on section 3 Human Rights Act 1998 to read down provisions of section 54 HFEA 2008 such that parental orders can be made even where those requirements have *prima facie* not been complied with, including the following examples: *A v P (Surrogacy: Parental Order: Death of Applicant)* 2011; *Re X (A Child) (Surrogacy: Time Limit)* 2014;
b. less usually, relying on section 4 Human Rights Act 1998 to make a declaration of incompatibility and thereby to (hopefully) trigger legal reform, such as *Re Z (A Child) (No 2)* (2016) which declared that the statutory exclusion of single applicants from applying for a parental order was incompatible with Article 14 taken in conjunction with Article 8 of the European Convention on Human Rights, catalysing the introduction of section 54A HFEA 2008;
c. where there are insurmountable challenges with obtaining a parental order, considering alternative routes to secure parental responsibility and/or legal status in relation to the child, such as child arrangement orders or adoption orders, sometimes combined with orders to limit the surrogate's parental responsibility (if she retains this). Examples include: *Re H (Surrogacy: Step-Parent Adoption)* (2023); *Re N (Adoption: Surrogacy)* (2024); *Re Z (Surrogacy: Step-Parent Adoption)* (2024); *C v E (International Surrogacy and Domestic Adoption)* 2025; *Re J (A Child) (Surrogacy: Adoption Order)* (2025); *Re Z (Unlawful Foreign Surrogacy: Adoption)* (2025).

There is little doubt that such creativity has facilitated adjustments and updates to the law which reflect the reality and modern practices in relation to families and their formation. Yet, equally clear is that such litigation is not only acutely stressful for the parties involved, but also puts the best interests of the children at risk. Being caught in litigation, with uncertainty as to their legal status, is not in their welfare interests.

While there may be significant room to improve the statutory framework to facilitate legal representation when entering into surrogacy arrangements and professional involvement in other aspects of such arrangements, other barriers will inevitably remain. Most obviously, legal advice is not always affordable for prospective parents. It is well documented that many of the cases which have required such legal

creativity or untangling have arisen because prospective parents have not accessed advice in advance; instead entering do-it-yourself arrangements without knowing or considering the long-term implications (Jackson 2015: 31).

Confronted by this more and more often, a secondary or more general role has also increasingly emerged for legal professionals. They and the courts are now frequently working collaboratively to produce guidance for prospective parents. A particularly notable example of this is the decision of Theis J in *Re Z (Foreign Surrogacy)* (2024), in which the court considered a surrogacy arrangement entered into by same-sex parents. Unbeknownst to them at the time, neither the country of origin of the surrogate nor the jurisdiction where the child was born permitted same-sex surrogacy, resulting in the intended parents being encouraged by the agency to mislead the authorities in that state.

Theis J strongly emphasized the need to obtain independent legal advice before entering into any such arrangement. Beyond this, she expanded on and endorsed a list of sixteen key issues proposed by counsel as matters that any person considering on embarking a surrogacy arrangement should consider. These are set out in the judgment in full (*Re Z (Foreign Surrogacy*: paragraph 4) and include: (a) what the legal framework is in the country where the surrogacy arrangement is due to take place and where the child is to be born; (b) whether the surrogate speaks and/or reads English and if not, what arrangements are in place to make sure any agreement signed is understood; and (c) what are the proposed arrangements for contact between intended parents and the surrogate during the pregnancy and/or after birth.

This list was subsequently "readily endorse[d]" by McFarlane P (as he then was) in *Re Z (Unlawful Foreign Surrogacy: Adoption)* (2025). A case arising from similar facts, it had taken the intended parents four years to obtain visas to return with their children to the UK after they were left both without clear documentation and stateless, having been born to same-sex parents in Northern Cyprus, where neither surrogacy nor same-sex parents are recognized. The published judgment expressly sets out that it is intended to "draw attention" to the circumstances of the case and "offer some advice" (*Re Z (Unlawful Foreign Surrogacy: Adoption)*: paragraph 1). In a section of the judgment marked "lessons to be learned", the observations of Theis J in *Re Z* are expanded on to include early consideration of any Home Department, Department for Education and/or Department of Health and Social Care issues that may arise, including in relation to immigration.

Most recently, the factors were expanded on by Knowles J in *Re B (Foreign Surrogacy: Welfare Issue: Ages of Applicants)* (2025). While ultimately concluding that it was in the welfare interests of the child to make a parental order in favour of the 72-year-old applicant parents, she encouraged intended parents to give particular thought to the future welfare of a child in the event of their incapacity. Knowles J specifically identified (in *Re B (Foreign Surrogacy)*: paragraph 35): (a) estate planning; (b) future care and financial arrangements for the child in the event of incapacity of one or both intended parents; and (c) future care and financial arrangements for the child in the event of the death of one or both intended parents, as factors to be considered. She noted that this will be of particular importance for single applicants.

Perhaps the greater question for lawyers is whether this information is sufficiently disseminated to the wider public. Williams J in his recent decision of *A&B v C&D* (2026) is clear in his view that it is:

> Intended Parents who choose to seek surrogacy in countries where the case-law of this Court or publicly available information shows there are serious risks of unlawful or unethical practices take a serious risk with the welfare of the child and can expect that an application for a Parental Order will face appropriate and proper scrutiny of their suitability to become the legal parents of the child and any risks to the child that they pose (paragraph 83).

It is right to observe that judgments are freely available in the National Archives and on Bailii. They are also frequently the subject of further discussion on legal blogs and podcasts. It certainly is not hard to find information if you know where to look; it even seems likely that some diligent prospective parents will access this judicial and professional guidance without legal representation. Yet, equally, the complexity of the relevant legal principles, even if located, are likely to be overwhelming for many intended parents, without further explanation from an experienced professional. With that in mind, it may be worth considering whether there are other ways of communicating such guidance more widely—for instance, by making sure it is shared with and translated for surrogacy organizations both domestically and in other jurisdictions—to ensure that it has the best possible chance of reaching those that need to hear it. This will offer those embarking on surrogacy arrangements further (indirect) legal support to ensure that their parental status can be legally recognized.

[D] MANAGING CONFLICT: A GREATER ROLE FOR ALTERNATIVE DISPUTE RESOLUTION?

Inevitably, all litigation must come to an end. The greatest challenge for many family law litigants, however, is that this does not necessarily close the book on their relationship with one another. On the contrary, this will often need to subsist in some form—particularly where a child is involved.

It is easy to overlook this in the heat of litigation. Correspondence is passed through solicitors; parties focus on reaching the outcome they want without looking past it. This presents a degree of tension for legal professionals. On the one hand, there is acute awareness of the damage that contested litigation can cause. Indisputably, "raising the temperature" in this way causes damage to adult relationships in the long run, which all too often will have a negative knock-on effect for children (McFarlane 2024). It is only right that clients are advised of this when considering their options and strategy.

Yet, the inevitable reality is that if clients nonetheless choose to litigate (or feel they have no choice but to do so), the focus of that strategizing shifts. The primary focus must be building a case that will result in the outcome desired at trial, which may include raising concerns and criticisms of the other party. After a final order is made, legal professional involvement then typically falls away—leaving the clients to deal with the fall-out in the months and years to come.

As one way of resolving that tension, there has been a noticeable rise in the use of alternative dispute resolution (ADR) in recent years. This is increasingly endorsed across all disciplines of civil law following the Jackson reforms (Ministry of Justice 2011) but is perhaps more apposite in family law than any other because of its intensely personal nature.[3] Though many forms have emerged, mediation is a commonly used option. Of its many benefits, this provides parties with neutral support in expressing their concerns and finding bespoke solutions. There are some professionals with specific experience of surrogacy, co-parenting arrangements, fertility law, and LGBT families, who have been valuable in assisting with managing expectations, setting intentions, exploring emotions, and reaching agreements between the relevant adults, before, during and/or after litigation (and before and after the birth of the child). This includes mediators as well as counsellors and therapists. Indeed, in

[3] As discussed by Knowles J, *X v Y* (2024: paragraph 16), in particular, pre-dating but considering the subsequent reforms to the Family Procedure Rules (FPR) including the introduction of FPR 3.4(1A) and amended Practice Direction 3A.

Re Z (Surrogacy: Step-Parent Adoption) (2024: paragraphs 252-253), for instance, Theis J explicitly set out how she expected the parties to engage in appropriate therapy and support in order to improve their relationships, and discouraged them from returning to court in the future, describing this as "inimical" to the child's welfare.

It is right to recognize that this endorsement of ADR (mediation, but also alternative forms such as arbitration or early neutral evaluation) is subject to two key caveats. Firstly, although this remains a very valuable (albeit still underutilized) tool, this does not remove the need to undertake court proceedings in those cases where legal parentage needs to be transferred, which can only be done by the court: albeit in those cases, these services can be used to, as far as possible, lessen the impact of litigation and create as consensual an approach as possible. There will also, however, be cases where ADR must be approached with caution or may not be suitable at all. There are a range of factors that may render out-of-court resolution inappropriate—including safeguarding concerns, urgency, or concerns around significant power imbalances including domestic abuse. Both legal practitioners and ADR facilitators should be familiar with this from private child law work more generally, however, they should also be alive to the risk of these dynamics presenting in assisted reproduction cases.

[E] CONCLUSION

While legal practitioners may not have always been natural bedfellows with a relational approach, it clearly provides a useful framework through which to consider both legal reform and professional best practice in the field of assisted reproduction.

Adopting this lens firstly allows key limitations within this area of law to be identified. Some of these, for instance current restrictions on professional support for surrogacy arrangements, will require statutory reform. Applying a relational lens yet further underlines the benefits of implementing the current Law Commissions' proposals, as already advocated for by many practitioners in this area.

Others, however, are not so easily corrected through legislation—for instance reconciling the rigidity of law with the dynamism of interpersonal relationships. Yet, once familiar with a relational way of thinking, it becomes far easier to identify how practitioners may best support clients throughout the three stages identified in this article. This lens emphasizes that the nature of these arrangements is such that the

traditional, adversarial model of law is often uncalled for and, frequently, entirely unhelpful. Best practice instead requires careful consideration of cross-disciplinary collaboration, creative communication not only with clients but lay parties more widely, and the application of increasingly familiar frameworks, such as ADR, to novel relationships. Such solutions can be implemented irrespective of statutory reform—and indeed may become all the more important if this remains stagnant.

About the authors

Sylvie Armstrong *is a junior barrister at 1GC Family Law, practising in all areas of the law relating to children and matrimonial finance. She has a particular interest in the law of modern families, having completed a PhD on the topic of surrogacy regulation prior to joining the bar.*

Email: armstrong@1gc.com.

Melissa Elsworth *is a barrister at 1GC Family Law, specializing in children law as well as in modern families and fertility law. Melissa has appeared in a number of reported cases in this field.*

Email: elsworth@1gc.com.

References

Baker, Brenda M. "A Case for Permitting Altruistic Surrogacy." *Hypatia* 11(2) (1996): 34-48.

Eaton, Thomas A. "The British Response to Surrogate Motherhood: An American Critique." *The Law Teacher* 19(3) (1985): 163-192.

Jackson, Emily. "The Law and DIY Assisted Conception." In *Revisiting the Regulation of Human Fertilisation and Embryology*, edited by Kirsty Horsey, 31-49. Abingdon: Routledge, 2015.

Jadva, Vasanti & Ors. "Parents' Relationship with their Surrogate in Cross-Border and Domestic Surrogacy Arrangements: Comparisons by Sexual Orientation and Location." *Fertility and Sterility* 111(3) (2019): 562-570.

Horsey, K. "Surrogacy in the UK: Myth Busting and Reform 10 Years on." London: Surrogacy UK, 2025.

Law Commission of England and Wales & Scottish Law Commission. *Building Families through Surrogacy: A New Law* (Law Com No 411/ Scot Law Con No 626, 2023).

McFarlane, Andrew. "A View from the President's Chambers: July 2024." London: Courts and Tribunals Judiciary 31 July 2024.

Ministry of Justice. "Reforming Civil Litigation Funding and Costs in England and Wales – Implementation of Lord Justice Jackson's Recommendations: The Government Response." United Kingdom: London: TSO, 2011.

Payne, Jenny Gunnarsson & Ors. "Surrogacy Relationships: A Critical Interpretative Review." *Upsala Journal of Medical Sciences* 125(2) (2020): 183-191.

Scherpe, Jens & Ors, eds. *Eastern and Western Perspectives on Surrogacy*. Cambridge: Cambridge University Press, 2019.

Trinder, Liz & Ors. "Litigants in Person in Private Family Law Cases." London: Ministry of Justice Analytical Series, 2014.

Legislation, Regulations and Rules

Children Act 1989

European Convention on Human Rights

Family Procedure Rules

Human Fertilisation and Embryology Act 2008

Human Rights Act 1998

Surrogacy Arrangements Act 1985

Cases

A v P (Surrogacy: Parental Order: Death of Applicant) [2011] EWHC 1738 (Fam), [2012] Fam 188

A&B v C&D [2026] EWHC 972 (Fam)

C v E (International Surrogacy and Domestic Adoption) [2025] EWFC 68, [2025] 2 FLR 637

JP v LP & Ors [2014] EWHC 595 (Fam), [2015] 1 All ER 266

Radmacher (formerly Granatino) v Granatino [2010] UKSC 42, [2011] 1 AC 534

Re AB (Surrogacy: Consent) [2016] EWHC 2643 (Fam), [2016] All ER (D) 33 (Nov)

Re B (Foreign Surrogacy: Welfare Issue: Ages of Applicants) [2025] EWHC 927 (Fam), [2025] 4 WLR 53

Re H (Surrogacy: Step-Parent Adoption) [2023] EWFC 214

Re J (A Child) (Surrogacy: Adoption Order) [2025] EWHC 2960, [2026] 1 FLR 655

Re N (Adoption: Surrogacy) [2024] EWFC 41

Re X (A Child) (Surrogacy: Time Limit) [2014] EWHC 3135 (Fam), [2015] Fam 186

Re Z (A Child) (No 2) [2016] EWHC 1191 (Fam), [2017] Fam 25

Re Z (Foreign Surrogacy) [2024] EWFC 304, [2025] 4 WLR 73

Re Z (Surrogacy: Step-Parent Adoption) [2024] EWFC 20

Re Z (Unlawful Foreign Surrogacy: Adoption) [2025] EWHC 339 (Fam), [2025] 4 WLR 101

X v Y [2024] EWHC 538 (Fam), [2024] All ER (D) 83 (Mar)