

## Case 14 ♦ Baby S<sup>1</sup>

Crystal, a single mother of two living in Connecticut, was hired by Tom and Linda to be their surrogate mother. The surrogacy contract stipulated that Crystal would be paid \$20,000 and receive regular prenatal care and screenings. Were there to be a severe abnormality with the fetus, she would have to terminate the pregnancy. Using an embryo conceived through IVF, Crystal quickly became pregnant. Five months into the pregnancy, Crystal had a routine ultrasound, which showed that the fetus had a complex heart abnormality, a cyst in the brain, and a cleft palate. The prognosis for this host of conditions would be grim: after birth, the baby would need a series of complicated operations, and her chances of a normal life would be small. Crystal's doctor suggested that termination would be the most humane option.

After speaking to a genetic counselor, Crystal was still adamantly opposed to an abortion, claiming that she was the only one who could give this baby the opportunity to experience life. Tom and Linda were distraught about Crystal's decision, and tried to convince her to change her mind, pained by the thought of imposing a life of suffering on their unborn child. As a last resort, Tom and Linda offered Crystal \$10,000 to have the abortion - an offer she declined.

Given Crystal's steadfast resolve, Tom and Linda decided that, as the genetic parents, they would take custody of the child upon birth and immediately surrender her to the state. A few months before her due date, Crystal and her daughters left for Ann Arbor, Michigan to prevent the baby from being placed in foster care. While Connecticut grants parental rights to genetic parents, Michigan considers the woman carrying the fetus to be the legal parent.

Despite Crystal's desire to continue with her pregnancy, she decided that, as a single mother, it would be too burdensome for her to care for this child. Thus, Crystal found a couple online willing to adopt the baby. On June 25, 2013, Baby S celebrated her first year alongside her adoptive family.

Case from the 2013 Regional Ethics Bowl. Copyright, Association for Practical and Professional Ethics.  
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<sup>1</sup> Case is inspired by the following story: Elizabeth Cohen, "Surrogate Offered \$10,000 to Abort Baby," CNN Health, March 6, 2013, [http://www.cnn.com/2013/03/04/health/surrogacy-kelley-legal-battle/index.html?hpt=hp\\_c1](http://www.cnn.com/2013/03/04/health/surrogacy-kelley-legal-battle/index.html?hpt=hp_c1)