

Surrogacy – withdrawing your consent

About this form

This form is produced by the Human Fertilisation and Embryology Authority (HFEA), the UK's independent regulator of fertility treatment and human embryo research. For more information about us, visit www.hfea.gov.uk.

Who should fill in this form?

Fill in this form if you are commissioning a surrogacy arrangement, a surrogate, or the partner of a surrogate, and you wish to withdraw your consent to:

- **the use or storage** of your eggs, sperm or embryos, or
- **being the nominated legal parent** of any child born as a result of the surrogacy treatment, or
- **the intended parent** commissioning the surrogacy being the nominated legal parent of any child born as a result of your treatment.

If you are not in a surrogacy arrangement and you wish to withdraw your consent, please instead complete the 'Withdrawing your consent' (WC) form.

Who should not fill in this form?

If you are a surrogate you cannot withdraw your consent to being the legal parent of any child born as a result of the surrogacy treatment. You will be the legal mother when the child is born.

You also cannot withdraw your consent to the biological father being the legal parent of any child born as a result of the surrogacy treatment (since in common law he will automatically be the legal parent if you are not married or in a civil partnership and no-one else has been nominated as a parent).

If you are the biological father commissioning the surrogacy arrangement, you cannot withdraw your consent to being the legal parent of the resulting child, unless someone else (such as your partner) has been nominated as the other legal parent.

What do I need to know before filling in this form?

Before you fill in this form, you should be certain that your clinic has given you all the relevant information you need to make fully informed decisions. This includes information about:

- the different options set out in this form
- the implications of withdrawing your consent, and
- when you can withdraw consent.

If you are unsure, or think that you have not been given all of this information, please speak to your clinic. There is a declaration at the end of this form which you must sign to confirm you have received this information. If you do not receive this information before filling in this form, your consent may be invalid.

If you are unable to complete this form because of physical illness, injury or disability, you may direct someone else to complete and sign it for you.

Why do I have to fill in this form?

If you wish to withdraw your consent to anything you previously consented to, by law (the Human Fertilisation and Embryology Act 1990 (as amended)), you need to do this in writing.

When can I withdraw my consent?

If your consent relates to the use of sperm, eggs or embryos for surrogacy then it can be varied or withdrawn using this form at any time until the point of sperm, egg or embryo transfer.

Consent to parenthood can also be varied and withdrawn with this form up to the point of transfer. Consent to the use of sperm, eggs and embryos for research and training can be varied and withdrawn with this form until they have been used for these purposes.

When filling in this form, make sure you sign each page declaration and relevant section declarations. This is to confirm you have read the information and fully agree with the consent and information you have given. When you have completed this form you may request a copy of it from your clinic.

For clinic use only (optional)

HFEA centre reference

Patient number assigned by clinic

Other relevant forms

1 About you

1.1 **Your first name(s)** *Place clinic sticker here*

1.2 **Your surname**

1.3 **Your date of birth** 1.4 **Your NHS/CHI/HCN/passport number**
(please circle)

2 About the surrogate, the intended parent, or your partner (ie, the person your withdrawal of consent relates to)

2.1 **First name(s)** *Place clinic sticker here*

2.2 **Surname**

2.3 **Date of birth** 2.4 **NHS/CHI/HCN/passport number**
(please circle)

3 Your withdrawal of consent

3.1 Why are you completing this form?

I am the surrogate

- I am a surrogate and I am withdrawing my consent to the use(s) or storage of my eggs or embryos (created outside the body with my eggs) in the surrogacy treatment. ► Sign the page declaration below then complete section four.
- I am a surrogate and I am withdrawing my consent to the nominated intended parent commissioning the surrogacy arrangement being the legal parent of any child born as a result of my treatment. ► Sign the page declarations on this page and the next page then complete section six.
- I am a surrogate and I am withdrawing my consent to my partner being the legal parent of any child born as a result of my treatment. ► Sign the page declarations on this page and the next page then complete section six.

▶▶▶▶ Continues on the next page

Page declaration

Your signature

Date

3**Your withdrawal of consent** *continued***I am the intended parent**

- I am commissioning a surrogacy arrangement and I am withdrawing my consent to the use(s) or storage of my eggs, sperm or embryos (created outside the body with my eggs or sperm) in the surrogacy treatment. ▶ Complete section four.
- I am commissioning a surrogacy arrangement and I am withdrawing my consent to being the nominated legal parent of any child born from the surrogacy treatment. ▶ Sign the page declaration below then complete section five.

I am the partner of the surrogate

- I am the surrogate's partner and I am withdrawing my consent to being the legal parent of any child born from the surrogacy treatment. ▶ Sign the page declaration below then complete section five.

4**Withdrawing consent to use or storage**

Only complete this section if you are withdrawing your consent to the use(s) or storage of your eggs, sperm or embryos in surrogacy treatment.

4.1

Are you withdrawing your consent to the use(s) of your eggs, sperm or embryos in surrogacy treatment?

- No ▶▶ now sign the page declaration below then go straight to section 4.2.
- Yes ▶ specify below which use or uses you are withdrawing your consent to (remember to sign the page declaration before continuing to the next page):

For your eggs

- My treatment as the surrogate
- The treatment of the surrogate (named in section two)
- Research purposes
- Training purposes

For your sperm

- The treatment of the surrogate (named in section two)
- Research purposes
- Training purposes

For embryos (created outside the body with your eggs or sperm)

- My treatment as the surrogate
- The treatment of the surrogate (named in section two)
- Research purposes
- Training purposes

▶▶▶▶ Continues on the next page

Page declaration**Your signature**

Date

4

Withdrawing consent to use or storage *continued*

Withdrawing your consent to the storage of your eggs, sperm or embryos

When withdrawing your consent to storage, you automatically consent to allowing your eggs, sperm or embryos to perish.

If you withdraw your consent to the storage of embryos and the embryos were to be used for the surrogacy treatment, the intended parents commissioning the surrogacy or the surrogate will be notified of your withdrawal.

Please note that the embryos may remain in storage for up to 12 months after your withdrawal if other interested parties do not agree to the embryos being allowed to perish. The embryos cannot be used during this 12 month period. At the end of the 12 months the embryos will be allowed to perish.

4.2 Are you withdrawing your consent to the storage of your eggs, sperm or embryos?

- No ►► go to section 4.3.
- Yes ► specify below what you are withdrawing your consent to then continue to 4.3:
- The storage of my eggs
 - The storage of my sperm
 - The storage of embryos (created outside the body with my eggs or sperm)

4.3 Declaring your withdrawal

Sign and date your withdrawal.

Your signature

Date

5

Withdrawing consent to being the legal parent

You can only complete this section if:

- you are the surrogate's partner (where you are not married or in a civil partnership and are not the biological father), or
- you are commissioning a surrogacy arrangement and you are the intended father (where you are not the biological father, unless someone else has been nominated), or
- you are commissioning a surrogacy arrangement and you are the intended female parent.

5.1 Withdrawing your consent

Please note that the surrogate will be informed of your withdrawal.

Please tick the box next to the statement below to confirm the withdrawal of your consent.

- I withdraw my consent to being the legal parent of any child born from the treatment of the surrogate (named in section two).

►►►► Continues on the next page

5 Withdrawing consent to being the legal parent *continued*

5.2 Declaring your withdrawal

Sign and date your withdrawal.

Your signature

Date

6 Withdrawing consent to your partner, or the nominated intended parent, being the legal parent

Only complete this section if you are a surrogate withdrawing consent to:

- your partner being the legal parent (if you are not married or in a civil partnership and you are using sperm or embryos created from a donor or a man other than your partner), or
- the intended father being the legal parent (where he is not the biological father, unless someone else has been nominated), or
- the intended female parent being the legal parent.

6.1 Withdrawing your consent

Please note that your partner or the nominated intended parent commissioning the surrogacy arrangement will be informed of your withdrawal.

Please tick the box next to the statement below to confirm the withdrawal of your consent.

- I withdraw my consent to my partner or the nominated intended parent commissioning the surrogacy arrangement (named in section two) being the legal parent of any child born from my treatment.

6.2 Declaring your withdrawal

Sign and date your withdrawal.

Your signature

Date

Please sign and date the declaration

Your declaration

- I declare that I am the person named in section one of this form.
- I declare that:
 - before I completed this form, I was given information about the different options set out in this form,
 - the implications of withdrawing consent have been fully explained to me, and
 - I understand that I can make changes to, or withdraw, my consent at any point until the time of egg, sperm or embryo transfer, their use in research or training, or until the eggs, sperm or embryos have been allowed to perish.
- I declare that the information I have given on this form is correct and complete.
- I consent to the clinic (or any subsequent HFEA-licensed clinic that may become involved in my treatment, donation or storage, or a data controller – as defined in section one of the Data Protection Act 1998) using the information on this form in the process of providing licensed activities (in accordance with the provisions of the Human Fertilisation and Embryology Act 1990 (as amended)), or for record storage and archiving purposes.

Your signature

Date

If signing at the direction of the person withdrawing consent

If you have completed this form at the direction of the person withdrawing consent (because they are unable to sign for themselves due to physical illness, injury or disability), you must sign and date below. There must also be a witness confirming that the person withdrawing consent is present when you sign the form.

Representative's declaration

I declare that the person named in section one of this form is present at the time of signing this form and I am signing it in accordance with their direction.

Representative's name

Representative's signature

Relationship to the person consenting

Date

Witness's name

Witness's signature

Date