



EMBRYO IMBROGLIO

Sofia Vergara is battling over frozen embryos with her ex Nick Loeb (inset).

Loeb, fighting on behalf of the embryos, wants a surrogate birth mother to bring them to term. The legal battle over the embryos sounds like a roiling Hollywood drama that only a star could have. But it actually reflects a growing moral and legal dilemma.

According to a 2010 Centers for Disease Control and Prevention report, 7.4 million U.S. women have undergone in vitro fertilization — having babies via embryos fertilized outside the womb. Typically, many more embryos are created than can be implanted, and the remaining ones are cryogenically preserved.

It remains to be seen if the untested strategy of embryos suing their own mother will work, but so far the legal community appears to be taking it seriously. The lawsuit requests that the embryos “be entrusted to their natural father Loeb, who is willing that they be born and become eligible to receive their inheritance.”

The number of frozen embryos is staggering — over 1 million by some estimates. And it’s growing every day.

In response, several groups advocate “embryo adoption,” that is, the transfer of fertilized embryos from couples that no longer need or want them to infertile couples very eager to have children.

Embryo adoptions already account for about 2 percent of reproductive procedures in the United States. The annual number of these births has more than doubled since 2011. But the growth in cryopreserved embryos is increasing even faster.

To some, the problem of what to do with the growing number of so-called “snowflake children” is nothing less than a moral crisis.

Tony Perkins of the Family Research Council, for example, has called frozen embryos “human beings

Frozen Embryos Pose Huge Moral Dilemma

Sofia Vergara’s court case highlights plight of one million unborn ‘snowflake children’.

BY TROY ANDERSON

IMAGINE WAKING UP ONE DAY TO learn you’re being sued by your own, yet-to-be-born embryos.

Sounds absurd, right? Well, it’s actually already happened.

In December, *Modern Family* star Sofia Vergara was hit with a unique

lawsuit that rocked the legal underpinnings of human fertility science. The lawsuit actually names the embryos as plaintiffs against her.

Before they broke up, Vergara created two frozen embryos with former fiancé Nick Loeb. She wants to keep them frozen “indefinitely,” while

America

deserving the full love and protections granted any child."

Currently, only eight states have laws regulating embryo donation.

"It's anything goes out there," says Dr. David Stevens, the chief executive officer of the Christian Medical & Dental Association and co-founder of the National Embryo Donation Center.

Stevens says, for example, that he's aware of one organization offering "essentially mail-order embryos."

"They are paying people for donating eggs; paying people for donating sperm; and they will create an embryo on demand for people who want an embryo donated, including the characteristics of the only people they will accept: They are this tall, this educated, and all the rest of it, and it gets into a little bit of a eugenics tone to it, which I have concerns about."

Dr. Jeffrey Keenan of the National Embryo Donation Center says it's time for the law to catch up with IVF technology. "I think it's crucial that each state pass a law recognizing embryo adoption," he says. "The states also need to make a set of rules for what happens in the event of divorce."

Ellen Painter Dollar, author of *No Easy Choice: A Story of Disability, Parenthood, and Faith in an Age of Advanced Reproduction*, states: "Most people don't think about what they will do with their leftover embryos until they have finished their treatment and have to decide whether or not to keep paying a fee to keep them stored, or to have them destroyed, or to allow them to be adopted."

Embryo adoption doesn't come cheap. The average cost is about \$15,000. But that's still less than a regular domestic adoption, which costs from \$25,000 to \$35,000.

But the legal dilemma isn't resolving itself: "Something needs to be done," says Keenan, "so there aren't these sticky legal situations." □



HAPPY ENDING

Gemma, and twins River and Reagan, were born to Lisa and Brandon Laugherty, who opted for embryo adoption.

Embryos Make One Family's Dreams Come True

For some happy couples, saving an embryo from almost certain destruction is a life-changing experience.

Lisa and Brandon Laugherty, of Maryville, Tenn., were unable to have kids of their own. So they tried to enlist in Tennessee's foster child-to-adoption program.

That's when Lisa and Brandon learned they might not be able to keep the baby they helped raise. "I remember one question she asked me," Lisa recalls.



LISA

"She said, 'You may have a baby for a couple of months. Are you comfortable with the chance that we might come knock on your door and take that baby away and give it back to its parents?'"

"No ma'am," Lisa honestly replied. "I'm not. That absolutely would break my heart." It was then that their doctor mentioned Nashville fertility specialist Dr. Jeffrey Keenan, the medical director for the National Embryo Donation Center. Keenan told them about embryo adoption. Adopting another couple's embryo, he advised, meant Lisa could carry the baby to term. While the baby would not be their child genetically,

it would be theirs from birth — no one could take it away. They adopted five embryos, and in September 2013 their daughter Gemma came into the world.

"It's a wonderful experience for someone who thinks they can't have a baby — to be able to experience pregnancy, especially after being told that you can't get pregnant," says Lisa. "It's just awesome."

In September 2015, they had two more embryos implanted, and welcomed their twins River and Reagan into the world nine months later.

Since then, Lisa and Brandon have become outspoken advocates of putting frozen embryos up for adoption. After all, they understand what it's like to have a family that, not so long ago, seemed like an impossible dream.

"Think about the precious lives that they are," she says. "If the people have gone through IVF and have leftover embryos, they should consider donating them to potential parents so the couples can build their family."

Doing so, she says, "would give a chance of life for these embryos instead of being frozen indefinitely, being destroyed, or donated to science." — T.A.