



Joshua Rubenstein Talks to *Citywealth* About Estate Planning and Surrogacy

August 20, 2020

New York Private Wealth national chair and partner Joshua Rubenstein spoke to *Citywealth* about estate planning issues that can arise in connection to surrogacy arrangements, which are becoming more common among many celebrities.

"When families are considering extending their family in this way, there can be issues around whether the child is considered 'legitimate' for the purposes of their estate planning. It could be as simple as ensuring the child is adopted, or it might be that structuring needs to be amended to ensure the child will qualify," Joshua said.

Citywealth discussed the importance of having the right team of advisors from the beginning for individuals or families considering surrogacy, including before they choose a surrogacy clinic or jurisdiction and identify a surrogate. Costs associated with surrogacy today range from \$100,000 to \$150,000.

Another issue Joshua discussed is the problem of using a deceased spouse or partner's genetic material for purposes of surrogacy and how that impacts inheritance rights.

"This is permissible in all the states of the US, however for the child to have inheritance rights, the child must be born within a reasonable period — and this varies from state to state. Not only can this slow down inheritance for other beneficiaries, but it also raises questions in estate planning. Lawyers must ask: do you have any genetic material in a cryo-bank, where are the contracts with the lab? What happens on your death?" Joshua explained.

Read, "[Surrogacy and egg freezing guide](#). [Read our advice from advisors to celebrities like Kim Kardashian](#)," in its entirety.

CONTACTS

For more information, contact your Katten attorney or any of the following attorneys.



Joshua S. Rubenstein

+1.212.940.7150

joshua.rubenstein@katten.com

Attorney advertising. Published as a source of information only. The material contained herein is not to be construed as legal advice or opinion.

©2026 Katten Muchin Rosenman LLP.

All rights reserved. Katten refers to Katten Muchin Rosenman LLP and the affiliated partnership as explained at katten.com/disclaimer.