



## Original Article

## A survey of judicial decisions concerning surrogacy disputes in Taiwan

Wan-Tsui Chiang<sup>a,\*</sup>, Tan-Yi Chou<sup>b</sup><sup>a</sup> School of Law, National Chiao Tung University, Hsinchu, Taiwan<sup>b</sup> Taiwan Changhua District Court, Changhua, Taiwan

## ARTICLE INFO

## Article history:

Accepted 23 May 2018

## Keywords:

Artificial reproduction act

Judicial decisions

Surrogacy

## ABSTRACT

**Objective:** Currently, Taiwan's Artificial Reproduction Act denies the legality of practicing surrogacy in Taiwan. The fact that numerous intended parents access surrogacy through fertility tourism or illegal practice leads to various types of disputes. This article illustrates the types of surrogacy-related disputes in Taiwan's legal environment, which lacks all regulation of surrogacy.

**Materials and Methods:** This study used “surrogacy” and “surrogate mother” as keywords to search for related district court civil and criminal decisions in the Law and Regulations Retrieving System maintained by the Judicial Yuan of the Republic of China. The authors read and selected decisions with true relevance to surrogacy issues, analyzed all cases, and categorized the cases according to the various types of disputes.

**Results:** This study found 27 surrogacy cases with 62 decisions and 2 records, which were categorized into five types: 1. Fraud and forging instruments (5 cases); 2. Contract disputes (2 cases); 3. Loss of consortium and adultery (5 cases); 4. Paternity and adoption issues (16 cases); and 5. Broker and medical institution's responsibility (5 cases).

**Conclusion:** Many patients in Taiwan are eager to access surrogacy, but the law does not allow it. Many disputes occur simply because the law forbids surrogacy. In Taiwan's current situation, some intended parents attempt fraudulent access to surrogacy. The authors of this article urge the Taiwanese government to legalize surrogacy to resolve intended parents' difficulties and avoid numerous possible disputes.

© 2018 Taiwan Association of Obstetrics & Gynecology. Publishing services by Elsevier B.V. This is an open access article under the CC BY-NC-ND license (<http://creativecommons.org/licenses/by-nc-nd/4.0/>).

## Introduction

Marrying late and having children late in life have become trends in Taiwan [1,2]. Numerous Taiwanese people rely on assisted reproductive technology (ART) to have their children [3]; some even seek surrogacy. However, Taiwan's Artificial Reproduction Act (ARA) restricts ART to married couples in which the wife's uterus can carry a fetus and give birth [4], and this act declares that surrogacy will be regulated by a future act; unfortunately, for the past twenty years, no legislative action has been successfully taken. The ARA indirectly denies the legality of practicing surrogacy in Taiwan currently. However, numerous patients access surrogacy through fertility tourism [5] or illegal practice of surrogacy in Taiwan, which leads to various disputes. This study conducted a survey of judicial decisions concerning surrogacy to outline the types of disputes. Those disputes not only indicate the problem of forbidding surrogacy, but also prove the risk that medical personnel may face under current ARA, which does not allow surrogacy. The ultimate aim of this study is to highlight the potential of legalization of surrogacy in Taiwan.

\* Corresponding author. School of law, National Chiao Tung University, No.1001, University Road, Hsinchu City 300-10, Taiwan. Fax: +886 3 573 3037.

E-mail address: [chiangwt@nctu.edu.tw](mailto:chiangwt@nctu.edu.tw) (W.-T. Chiang).

## Materials and methods

First, we used “surrogacy” and “surrogate mother” as keywords to search for relevant district court civil and criminal decisions in the Law and Regulations Retrieving System maintained by the Judicial Yuan of the Republic of China. Second, we read all decisions returned from that search, selected all decisions with true relevance to surrogacy issues, traced the upper level courts' decisions regarding the decisions, and correlated decisions to map out the facts and the courts' opinions for each case. Third, we categorized all cases by type of dispute and analyzed the legal risks in the cases.

## Results

In this study, we found 27 surrogacy cases with 62 decisions and 2 records. We categorized the cases into five types (one case may be categorized into more than one type): 1. Fraud and forging instruments (5 cases); 2. Contract disputes (2 cases); 3. Loss of consortium and adultery (4 cases); 4. Paternity and adoption issues (16 cases); and 5. Broker and medical institution's responsibility (5 cases) (Table 1).

**Table 1**  
Judicial decisions concerning surrogacy disputes in Taiwan.

Types	Case	Decisions		
Fraud and forging instruments	No.1 (loss of consortium)	2005 Su Zi No.262 Civil Judgment (Taiwan Hsinchu Dist. Ct. Apr. 21, 2006) 2006 Zhong Shang Zi No. 310 Civil Judgment (Taiwan High Ct. Nov. 14, 2006) 2007 Tai Shang Zi No. 1530 Civil Ruling (S. Ct. Jul. 12, 2007)		
	No.2 (forging instruments)	2008 Jian Zi No. 207 Criminal Judgment (Taiwan Shilin Dist. Ct. Apr. 30, 2008) 2008 Jian Zi No. 428 Criminal Judgment (Taiwan Shilin Dist. Ct. Aug. 12, 2008)		
	No.3 (forging instruments)	2010 Yi Zi No. 2546 Criminal Judgment (Taiwan Taipei Dist. Ct. Feb. 21, 2011) 2011 Shang Yi Zi No. 772 Criminal Judgment (Taiwan High Ct. Jul. 27, 2011) 2010 Su Zi No.4132 Civil Judgment (Taiwan Taipei Dist. Ct. Apr. 28, 2011) 2011 Shang Yi Zi No. 578 Civil Judgment (Taiwan High Ct. Aug. 16, 2011) 2010 Jia Su Zi No. 100 Civil Judgment (Taiwan Taipei Dist. Ct. Jun.17, 2011) 2011 Jia Kang Zi No. 147 Civil Ruling (Taiwan High Ct. Sep. 23, 2011) 2011 Tai Kang Zi No. 1026 Civil Ruling (S. Ct. Dec. 29, 2011) 2012 Jia Kang Geng Yi No. 1 Civil Settlement Record (Taiwan High Ct. Apr. 30, 2012)		
	No.4 (faud)	2014 Shen Su Zi No. 91 Criminal Judgment (Taiwan Taichung Dist. Ct. Aug. 19, 2014)		
	No.5 (forging instruments)	2010 Yi Zi No. 1261 Criminal Judgment (Taiwan Changhua Dist. Ct. Dec. 26, 2012) 2013 Shan Yi Zi No. 219 Criminal Judgment (Taiwan High Ct. Taichung Branch Ct. Apr. 25, 2013) 2015 Yi Ji Zi No. 19 Criminal Judgment (Taiwan Changhua Dist. Ct. Jul. 31, 2015) 2015 Yi Ji Zi No. 20 Criminal Judgment (Taiwan Changhua Dist. Ct. Aug. 24, 2015) 2012 Jian Zi No. 19 Criminal Judgment (Taiwan Changhua Dist. Ct. Mar. 28, 2012)		
	Contract disputes	No.6 (surrogacy agreement dispute)	2011 Qin Zi No. 83 Civil Judgment (Taiwan Shilin Dist. Ct. May 24, 2012) 2012 Jia Shang Zi No. 199 Civil Judgment (Taiwan High Ct. Dec. 4, 2012) 2012 Su Zi No. 315 Civil Judgment (Taiwan Shilin Dist. Ct. Nov. 1, 2012) 2012 Shang Zi No. 1350 Civil Judgment (High Ct. Feb. 19, 2013) 2012 Su Zi No. 332 Civil Judgment (Taiwan Shilin Dist. Ct. Apr. 30, 2012) 2012 Shang Zi No. 597 Civil Judgment (High Ct. Dec. 4, 2012) 2011 Jia Quan Zi No. 67 Civil Ruling (Taiwan Shilin Dist. Ct. Nov. 21, 2012) 2011 Jia Kang Zi No. 212 Civil Ruling (Taiwan High Ct. Dec. 29, 2011) 2012 Tai Kang Zi No. 226 Civil Ruling (S. Ct. Mar. 22, 2012) 2012 Jia Kang Geng Yi Zi No. 3 Civil Ruling (Taiwan High Ct. May 31, 2012)	
		No.7 (surrogacy agreement dispute)	2008 Su Zi No. 2432 Civil Ruling (Taiwan Taichung Dist. Ct. Oct. 13, 2009) 2009 Zhu Jian Zi No.281 Civil Judgment (Taiwan Hsinchu Dist. Ct. Dec. 31, 2009)	
		Loss of consortium and adultery	No.1 (loss of consortium)	
			No.3 (forging instruments)	
			No.8 (adultery)	2005 Su Zi No. 7 Criminal Judgment (Taiwan New Taipei Dist. Ct. Aug. 31, 2005) 2005 Shang Yi Zi No. 860 Criminal Judgment (Taiwan High Ct. Jan. 17, 2006) 2004 Jian Zi No. 5250 Criminal Judgment (Taiwan New Taipei Dist. Ct. Dec. 6, 2004) 2005 Jian Shang Zi No. 78 Criminal Judgment (Taiwan New Taipei Dist. Ct. Jun. 29, 2005)
No.9 (adultery)		1997 Hun Zi No. 542 Criminal Judgment (Taiwan Taichung Dist. Ct.) (The text of this decision is not found in the database.)		

Table 1 (continued)

Types	Case	Decisions	
Paternity and adoption issues	No.10 (inheritance)	1997 Jia Shang Zi No. 99 Criminal Judgment (Taiwan High Ct. Taichung Branch Ct. Jan. 5, 2008)	
		2003 Qin Zi No. 45 Civil Judgment (Taiwan Taoyuan Dist. Ct. Oct. 8, 2004)	
		2004 Jia Shang Zi No. 330 Civil Judgment (High Ct. Mar. 30, 2005)	
		2005 Tai Shang Zi No. 1125 Civil Ruling (S. Ct. Jun. 22, 2005)	
		2003 Zhong Jia Su Zi No. 2 Civil Judgment (Taiwan Taoyuan Dist. Ct. Feb. 26, 2010)	
		2010 Zhong Jia Shang Zi No. 10 Civil Judgment (Taiwan High Ct. Feb. 8, 2011)	
		No.11 (acknowledgement of being the biological father)	2010 Quin Zi No. 37 Civil Judgment (Taiwan Hsinchu Dist. Ct. May 31, 2012)
			2012 Quin Zi No. 30 Civil Judgment (Taiwan Hsinchu Dist. Ct. Dec. 9, 2013)
			2014 Jia Zang Zi No. 48 Civil Judgment (Taiwan High Ct. Nov. 11, 2014)
			2015 Tai Zang Zi No. 237 Civil Judgment (S. Ct. Feb. 6, 2015)
	2006 Quin Zi No. 34 Civil Judgment (New Taipei Dist. Ct. Jul. 14, 2006)		
	No.12 (disavowal that the child was born out of wedlock)	No.13 (guardianship)	2009 Jian Zi No. 109 Civil Ruling (Taiwan Shilin Dist. Ct. Jan. 25, 2010)
			2010 Jia Kang Zi No. 9 Civil Ruling (Taiwan Shilin Dist. Ct. Aug. 31, 2010)
	No.14 (adoption)	No.15 (adoption)	2012 Yang Sheng Zi No. 222 Civil Ruling (Taiwan Taipei Dist. Ct. Aug. 30, 2013)
	No.16 (adoption)		2013 Jia Sheng Zi No. 89 (Withdraw Rec.) (Taiwan Taipei Dist. Ct. Jun. 4, 2014 withdraw)
		No.17 (adoption)	No.18 (adoption)
	2010 Yang Sheng Zi No.150 Civil Ruling (Taiwan Taipei Dist. Ct. Jun. 23, 2010)		
	No.19 (adoption)	No.20 (adoption)	2013 Yang Sheng Si Zi No. 217 Civil Ruling (Taiwan Taipei Dist. Ct. Mar. 27, 2014)
			2014 Yang Sheng Si Zi No.60 Civil Ruling (Taiwan New Taipei Dist. Ct. Sep. 24, 2014)
	No.21 (adoption)	No.22 (adoption)	2015 Yang Sheng Si Zi No.101 Civil Ruling (Taiwan New Taipei Dist. Ct. Aug. 24, 2015)
			2015 Yang Sheng Si Zi No.130 Civil Ruling (Taiwan New Taipei Dist. Ct. Feb. 16, 2015)
	No.23 (adoption)	No.24 (adoption)	2002 Yang Sheng Si Zi No. 208 Civil Ruling (Taiwan Shilin Dist. Dist. Ct. May 30, 2003)
			2012 Yang Sheng Si Zi No.140 Civil Ruling (Taiwan Shilin Dist. Ct. Dec. 14, 2012)
	No.25 (adoption)	No.26 (broker's responsibility)	2013 Yang Sheng Si Zi No.132 Civil Ruling (Taiwan Hsinchu Dist. Ct. Jul. 31, 2014)
			2012 Yang Sheng Si Zi No.38 Civil Ruling (Taiwan Kaoshiung Dist. Ct. Mar. 30, 2012)
Responsibility of physicians, medical institutions and brokers	No.27 (broker's responsibility)	2015 Yang Sheng Si Zi No. 147 Civil Ruling (Taiwan Shilin Dist. Ct. Sep. 7, 2016)	
		2016 Shen Jian Zi No.753 Criminal Judgment (Taiwan New Taipei Dist. Ct. Aug. 19, 2016)	
		2016 Shen Jian Zi No.328 Criminal Judgment (Taiwan Hsinchu Dist. Ct. Jun. 30, 2016)	

## Discussion

### Fraud and forging instruments

The five cases with disputes of fraud and forging instruments have very different facts regarding these cases. In case 1, an intended parent and a surrogate mother pretended to be a married couple and sought to access ART in a hospital. This is definitely a criminal act, although we did not find related criminal decisions. In

case 2, an intended parent and a surrogate mother registered as a couple with fake marriage documents for accessing ART; both faced criminal charges under Article 214 of the Criminal Code of the Republic of China (CCROC) [6]. In case 3, an intended parent asked his cousin to falsify a marriage with a foreign Caucasian woman, who then served as an egg donor surrogate mother for the intended parent. All three conspirators were charged under Article 214 of the CCROC. In case 5, intended parents sought surrogacy in Thailand. A Thai hospital issued a false birth certificate that showed that the

intended mother had given birth to the child. The intended parents used the false birth certificate to register as the legal parents of the child in Taiwan. In case 4, intended parents hired a delinquent foreign worker to be the surrogate mother. In Taiwan, a foreign worker is delinquent if that worker violates a visa by leaving the job for which that worker has signed a contract. Medical personnel cared for her during her pregnancy and labor but applied for national health insurance reimbursement for a stomachache. The medical personnel were charged with fraud and forgery of instruments.

#### *Contract disputes*

Surrogacy agreements are essential to protect intended parents and surrogate mothers [7]. The ARA indirectly denies the legality of practicing surrogacy in Taiwan; however, whether surrogacy agreements are therefore invalid depends on the opinions of Taiwan's courts. We found two cases that involved surrogacy contract disputes. In case 6, the surrogate mother's husband refused to relinquish parental rights and claimed that the surrogacy agreement was invalid because he wanted to claim that the adoption was similarly invalid. The court ruled that the surrogacy agreement was valid because both parties actually signed the agreement in person. In addition, Taiwan has no law or regulation that directly prohibits surrogacy; therefore, the surrogacy agreement in case 6 was not invalid under the Article 71 of Taiwan's Civil Code [8]. In case 7, a surrogate mother was implanted with eight embryos; eventually, all embryos did not survive because her body could not provide favorable conditions for so many embryos. Because the surrogacy did not result in a baby, the intended parents refused to pay the contracted remuneration. The surrogate mother brought the case to court to claim the payment. The court did not allow the payment and ruled that, according to Article 72 of Taiwan's Civil Code [9], the paid surrogacy agreement was invalid because it represented a type of commercialized birth that contradicted public policy or morals. The court also opined that no law or regulation exists that directly prohibits surrogacy practice that can void surrogacy agreements.

#### *Loss of consortium and adultery*

Birth issues are pivotal in a marriage. Surrogacy disputes are often connected with marriage and family issues. In case 1, the intended father had several children through egg donor surrogacy. He did not take those children home but supported the surrogate mother who raised them. After the intended father died, his spouse found that he had hitherto unknown children as heirs. His spouse sued the surrogate mother for damages because the surrogate mother had caused her loss of consortium by bearing the intended father's biological children. The spouse won the case and was awarded damages of 300,000 NTD. In case 3, the intended father desired biracial children and thus the father had children with a Caucasian surrogate mother. Later, when his divorced wife discovered that this conception had occurred during their marriage, she sued the intended father for loss of consortium, won the case, and was awarded 500,000 NTD in damages.

If an intended father seeks egg donor surrogacy without acquiring his spouse's consent, the spouse may not only sue for civil damages, but also file a complaint of adultery against the intended father and surrogate mother. If the surrogate mother and intended father are not able to prove that the surrogate mother got pregnant through ART, Taiwanese courts tend to assume that she was pregnant through natural intercourse with the intended father and tend to charge them with adultery; for example, such charges were filed in case 8. Some dramatic cases resemble soap operas; in case 9, the surrogate mother underwent ART to assist the intended couple, but

ART failed to result in pregnancy. Eventually, the surrogate mother had the intended father's child through natural intercourse and was charged with adultery.

#### *Paternity and adoption issues*

Taiwan's current familial law decides the biological mother by the fact of delivery and presumes that the biological mother's husband is the biological father. Because the surrogate mother delivers the child, she is deemed to be the biological mother, and her husband is assumed to be the biological father. The intended parents must adopt the child to be his or her legal parents. In practice, several different situations relate to adoption. First, if the surrogate mother has a spouse, adoption requires the consent of both the surrogate mother and her spouse; case 6 is an example of this situation. Second, if the surrogate mother has a spouse but he refuses to relinquish the child, the surrogate mother (as the legal mother) may bring an action for disavowal that the child was born out of wedlock. Afterward, the intended father may claim acknowledgement of being the biological father; the intended mother may then adopt the child; intended father and intended mother become the legal parents. Cases 12 and 3 are examples of this situation. Third, if the surrogate mother does not have a spouse, the intended father may claim acknowledgement as the biological father, and the intended mother may adopt the child later. Cases 15–25 are examples of this situation. In Taiwan, many intended parents have sought surrogacy overseas. When Taiwanese courts consider this type of adoption cases, the courts will notify the foreign surrogate mother to provide her opinion of adoption, because she is the legal mother. If she does not present herself in a Taiwanese court, if she has not entered Taiwan since the child was born, or if the court is not able to reach her, the court may make its decision regarding adoption without hearing the surrogate mother's opinion.

Intended parents are not the legal parents of surrogate children until the intended parents have legally adopted the surrogate children; therefore, the parent–child relationship between intended parents and surrogate children is uncertain. Such uncertainty is contrary to children's best interests. For example, in case 11, the surrogate mother (surrogate mother was pregnant via intercourse) relinquished the child to someone else but not the intended father. When the intended parents discovered this situation, they had to fight with the adoptive parents for the legal rights of parenthood. Eventually the intended father lost the case. In cases 21, 13, and 3, the surrogate mothers refused to give up parental rights over the children. In case 10, the intended father (who was a successful businessman) asked his ex-wife to adopt the child from the surrogate mother because he wanted to cut any connection between the child and the surrogate mother. However, in the end, the child was not able to inherit the intended father's estate.

#### *Responsibility of physicians, medical institutions, and brokers*

The ARA denies the legality of practicing surrogacy in Taiwan currently. If physicians or medical institutions practice surrogacy, they will be fined administratively under Article 11 and Article 33 of the ARA [10]. In addition, physicians may face disciplinary action. If a physician practice surrogacy intentionally and is fined administratively, the intended parents and surrogate mothers may also be fined under Article 14 of the Administrative Penalty Act [11]. However, if a physician was deceived into conducting ART on a surrogate mother (for example, an intended father deceived the physician into believing that the intended father and surrogate mother were a married couple), then the physician, intended parents, and surrogate mother do not face any action under ARA [12],

although the intended parents and surrogate mother very possible face criminal charge with forging instruments.

Although surrogacy is not legal in Taiwan, many intended parents are strongly motivated to use surrogacy. Intended parents contrive numerous means to deceive physicians; for example, an intended father and a surrogate mother can pretend to be a married couple to gain access to ART. To prevent legal risk, medical personnel should be cautious regarding such abnormal situations. Currently, Taiwan has no official standard by which physicians and medical institutions can examine a patient's marital status. We suggest that physicians and medical institutions should devise their own official standard. If physicians and medical institutions are not alert to the danger of being deceived into practicing ART as surrogacy, they face legal risk. In case 1, intended father and surrogate mother pretended to be a married couple to access ART. The physician in the case did not check their IDs but believed what they said and practiced ART for them. Eventually, intended father's wife sued the medical institution for loss of consortium. She claimed that the physician had wrongfully practiced ART, which enabled another woman to produce a child with her husband; the wife claimed that the medical institution should be responsible jointly and separately as the physician's employer. The plaintiff lost the case because Taiwan has no regulatory standard to check a patient's marital status; therefore, the physician and the medical institution had no rule to follow, according to the court's ruling; however, case 1 illustrates that medical personnel in such cases run the risk of being involved in litigation. Therefore, before the government sets a regulatory standard to check, we suggest medical institutions set an official standard to be followed to protect their employees and themselves from legal responsibilities. In case 6, a surrogate mother brought her spouse's ID and a sperm sample to a hospital for ART; she alleged that the sperm was from her husband. The hospital did not require her spouse to show up in person. Such carelessness led to disputes afterwards.

According to the court decisions we found, Taiwanese intended parents usually found potential surrogate mothers through (1) relatives and friends (case 6), (2) the Internet (cases 2 and 11), or (3) brokers (cases 3, 4, 5, 26, and 27). Although the ARA does not allow surrogacy to be practiced in Taiwan, the ARA does not have any provision that directly forbids brokering gestational surrogacy. Article 31, Paragraph 1 of the ARA only forbids persons from engaging in the sale or brokering of germ cells or embryos for profit; it does not include brokering of gestational surrogacy. It is odd that the law forbids surrogacy in Taiwan but allows patients to seek gestational surrogacy overseas through brokering.

Many patients in Taiwan are eager to access surrogacy, but the law does not allow it. Many disputes occur simply because the law forbids surrogacy. Under such a situation, intended parents attempt to access surrogacy fraudulently. Surrogate mothers are difficult to protect their contractual right because the surrogate agreements may be invalid and there is no standard version provided by the government. Intended parents need to adopt surrogate children to be their legal parents. There is much

uncertainty during the adoptive process. Because the law forbids surrogacy, the government is not able to establish laws and orders to regulate practicing surrogacy and protect each person's benefits in surrogacy events; thus, the government cannot provide protection to surrogate mothers, intended parents, and surrogate children. Patients, medical practitioners, and experts from government and academia have exchanged opinions, and their consensus is that surrogacy should be legalized. The Ministry of Health and Welfare even prepared a draft revision for the ARA to legalize surrogacy. However, all attempts at legalization have always been stopped at the last minute because the topic has been politicized. In conclusion, we urge the Taiwanese government to promote the legalization of surrogacy to resolve intended parents' difficulties and to prevent numerous possible disputes.

### Conflicts of interest

Authors don't have any conflict of interest in this research.

### References

- [1] Department of Statistics, Taiwan. Fertility rates of childbearing age women. Available from: [https://www.moi.gov.tw/files/site\\_stuff/321/2/year/year\\_en.html](https://www.moi.gov.tw/files/site_stuff/321/2/year/year_en.html).
- [2] Department of Statistics, Taiwan. Couples of marriages/divorces, crude marriage/divorce rate by sex and marriage times. Available from: [https://www.moi.gov.tw/files/site\\_stuff/321/2/year/year\\_en.html](https://www.moi.gov.tw/files/site_stuff/321/2/year/year_en.html).
- [3] Health Promotion Administration, Taiwan. National report of the assisted reproductive technology summary in Taiwan. 2013. Available from: <https://www.hpa.gov.tw/EngPages/List.aspx?nodeid=1063>.
- [4] Taiwan Artificial Reproduction Act Article 2, 1(3).
- [5] Kindregan CP, White D. International fertility tourism: the potential for stateless children in cross-border commercial surrogacy arrangements. *Suffolk Transnational L Rev* 2013;36:572–626.
- [6] Criminal Code of the Republic of China Article 214: A person who causes a public official to make in a public document an entry which such a person knows to be false and causes injury to the public or another shall b
- [7] Morrissey JF. *Surrogacy: the process, the law, and the contracts*. Willamette L Rev 2015;51:459–557.
- [8] Taiwan Civil Code Article 71: A juridical act which violates an imperative or prohibitive provision of the act is void except voidance is not implied in the provision.
- [9] Taiwan Civil Code Article 72: A juridical act which is against public policy or morals is void.
- [10] Taiwan Artificial Reproduction Act Article 11: A medical care institution shall not perform artificial reproduction for a married couple unless all the conditions in the following subparagraphs are satisfied: .....; Article 33 of Artificial Reproduction Act: Whoever violates Paragraphs 1 or 2 of Article 6, Paragraph 1 of Article 8, or Article 11 shall be fined between NT\$100,000 and NT.
- [11] Taiwan Administrative Penalty Act Article 14: Persons who act jointly and intentionally in the commission of an act in breach of duty under administrative law shall be punished separately depending upon the seriousness of the situation in which the act committed by each of them has resulted. (Paragraph 1). In the circumstance mentioned in the preceding paragraph, a person who commits an act in breach of duty under administrative law which is based upon specific personal status or other special relationship shall be punishable notwithstanding that he does not have such status or special relationship. (Paragraph 2).
- [12] Taiwan Artificial Reproduction Act Article 31: Whoever engages in the business of sale or brokering of reproductive cells or embryos in respect of profit shall be punishable with imprisonment for not more than two years, detained and/or fined between NT\$200,000 and NT\$1 million.