

Surrogate mother left with huge bill; babies in Austria

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She has four children of her own, ages 2, 4, 6 and 8.

"All my pregnancies have been easy for me. I love being pregnant. I wanted to give a family to someone who couldn't have one otherwise," Mathews said.

She found an agency online called the [National Adoption and Surrogacy Center](#) based in Washington, D.C.

"I was introduced to several families and finally found one that just felt right to me," Mathews said.

Mathews chose to help a couple in Austria: Rudolf and Teresa Bako. They were in their 50s and had been trying to have children for 20 years.

"I feel like they became my family. They adored me and I adored them," Mathews said.

Mathews and the Bakos signed a contract, spelling out the terms: \$25,000 just for carrying the child.

"They would pay us \$2,000 every month [to pay towards the \$25,000]. They put the money in an escrow account through the agency," Mathews said.

The 30-plus page contract also took into account every possible scenario that could happen during the pregnancy, as well as exactly when and how the Bakos would pay.

The National Adoption and Surrogacy Center then recommended a fertility doctor in Cyprus, where they all met for the embryo transfer.

"They flew us out. They paid for the hotel, we were there for 17 days," Mathews said.

Mathews became pregnant with twins, but quickly realized this pregnancy was going to be different.

"The pregnancy did not go good. I could not keep anything down. I had severe swelling. I ended up getting preeclampsia, which lead to HELLP Syndrome," she said. (HELLP is an acronym for Hemolytic anemia, Elevated Liver enzymes and Low Platelet count.)

Because of all the complications, the Bakos doctor in Cyprus ordered Mathews to bed rest.

According to the contract: If ordered to bed rest "Gestational Carrier shall receive up to \$250 per

week for housekeeping and child care."

"There was never any question with anything about the payments. Ever," Mathews said.

On July 21, Mathews gave birth to a boy and girl. The Bakos finally had their family.

But the problems for Mathews were far from over. Hours after the C-section, she was still bleeding internally.

They said we need to take you in for surgery right away. I ended up getting eight bags of blood. I was in surgery for three to five hours and while I was in the operating room, I had to be resuscitated," she said.

She spent 20 days in the hospital.

The Bakos took the babies back to Austria, while Mathews and her husband, Elbert, waited for the rest of their money.

According to an email from Hilary Neiman, the National Adoption and Surrogacy Center's founder and attorney, the Bakos still owed Mathews \$14,077.46.

But the Bakos were not responding to any questions about it.

"The agency called us and said they couldn't get a hold of the parents, 'Can you? We've tried calling, we've tried emailing. Maybe you can say something to them.' So I emailed them and said the center is trying to get a hold of you, because at this point everything was good between us, at least I thought so. After that, the center ended up contacting me and said [the Bakos] don't feel like they owe you any more money and that we were taking advantage of her generosity and felt like we owed her money but said they weren't going to ask us for it because of what I went through," Mathews said.

9NEWS has made several attempts to contact the Bakos in Austria. After several email attempts with no response, we tried calling.

Rudolf Bako answered the phone at his place of business (he sells hardwood flooring in Vienna) and said briefly, "My business is very bad at this moment. I cannot talk about what's going on."

He then gave us his home phone number and asked us to call later that day. When we tried, our number was blocked.

Teresa Bako replied to the fifth email we sent her, stating that they're working with their attorney.

Another phone conversation with Rudolf Bako days later, again to his place of business, also came up short. This time he claimed: "He doesn't know what we're talking about."

9NEWS also emailed Neiman. She responded: "Due to confidentiality and the contracts that were signed, I am not allowed to speak to the media."

There may be another reason Neiman doesn't want to talk.

According to court documents, in July, she pleaded guilty to wire fraud stemming from a large baby-selling ring in the U.S. and Ukraine.

Investigators say between 2005 and 2011, Neiman and California reproductive law attorney Theresa Erickson sent women to the Ukraine to be implanted with embryos.

Neiman then would offer the babies to aspiring parents for more than \$100,000 each, telling prospective buyers that a previous, and lawful, surrogacy arrangement had fallen apart.

Neiman's website has since been shut down and the business phone numbers are disconnected.

Now the question is: What can Mathews do?

9NEWS asked Tom McNamara, an expert on contract and international law from Denver law firm Davis Graham & Stubbs about Mathews' choices.

"There are two main options. First is to start a lawsuit in Colorado. Obtain a judgment in Colorado and enforce that in Austria. The second is to start a lawsuit in Austria. Unfortunately, both of those options are going to be very, very difficult. There is no treaty between the U.S. and Austria, and in addition, as a matter of Austrian law, surrogacy arrangements like this gestational carrier agreement are determined to be illegal and unfortunately unenforceable in Austria," McNamara said.

To add to it, because surrogacy is illegal in Austria, unless a formal adoption proceeding was done in the United States, the twins will never be citizens of Austria.

"I didn't go into this to make a profit. I just wanted to help a family. I am slightly regretful but I brought two beautiful babies into the world and gave a family to someone. Perhaps I chose the wrong family. I thought they were right in the beginning, but maybe they weren't. However, I try not to think about the finances. I'm OK with knowing they have a family now," Mathews said.

The Mathews still have not received the \$14,000 they claim they are owed and on top of it all. They just received a hospital bill amounting to \$217,000 and are unsure what will be covered by insurance.

As stated in the contract, Mathews provides her insurance and whatever her insurance doesn't pay, the Bakos have to pay.

Mathews says the Bakos, to date, have paid her about \$66,000: \$16,000 of the \$25,000 for carrying the children and the rest mainly from child care and bed rest costs during her pregnancy.

Mathews and her husband say because of the health complications and money they had to pay out of their own pocket, they're now having serious financial issues.

The Mathews are still waiting to hear from the Bakos regarding the babies.

Neiman will be sentenced in December. She faces up to five years in prison.