

*This fact sheet was developed for Choice Moms by
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ON USING A KNOWN SPERM DONOR

If you're considering having a friend donate sperm to help you become a parent, or want your child to meet the donor in the future, you face many decisions. These decisions include articulating and negotiating the relationship with the known donor, understanding medical and psychological issues, defining the boundaries of this new relationship, and possibly preparing for medical tests and procedures.

Just as important, you need to know the legal issues when involving a known donor. Even though open-identity donor programs are common throughout the U.S., not all states have laws that protect the known donor-recipient relationship.

Assisted reproduction is unique among all medical specialties because it creates life. Collaborative reproduction raises unique legal and ethical issues that demand broader expertise and guidance.

Having a known donor assist you to become a parent takes courage. You will be challenged to be aware of your needs and anticipate your child's needs. **Seek legal advice, since legal parentage is not always the same as genetic, biological or social parentage.**

Through a reflective dialogue, you can create a shared vision that you believe in your heart to be the best way to provide a secure, nurturing, loving, safe, and happy place for your child.

WHAT QUESTIONS SHOULD THE DONOR AND I UNDERSTAND?

The following are important **legal** questions to answer with the help of a reproductive lawyer.

Parentage and Relationship Issues

1. Is a known donor the same as an anonymous donor, legally?
2. Who will be the legal parent of the baby created using donated sperm when the donor is known, and the child will know the donor?
3. Does the known donor have inheritance rights or support obligations?
4. How do I define the legal and emotional boundaries for the relationship with the known donor?
5. What relationship will my child want with the known donor? What should I tell my child?
6. Do I want the same donor to be available if I want another child?

Legal, Emotional, and Financial Issues

7. Should I have the known donor's name placed on the birth certificate? How does that affect the child in the future? What legal rights does that give the known donor?
8. How do legal documents support an evolving relationship?
9. What happens if one of us changes our mind about our relationship after the child is born?
10. Does a known donor pay child support? Is that part of the agreement?

IF THE DONOR IS A FRIEND, IS A CONTRACT NEEDED?

The value of the agreement is to have an open and honest discussion about expectations for the relationship now, and after the baby is born. It lays the foundation for a long-term trusting connection. The questions here are just a few of the questions that need competent legal answers in order to help you have a safe and positive experience over the long-term relationship of the child's lifetime.

SPECIAL NOTE ON COLLABORATIVE AGREEMENTS

From a legal perspective, the traditional arrangement is that each party is represented by separate attorneys. But this can make communication difficult. In the case of collaborative reproduction, joint representation might be the right thing to do. The perfect situation would be where attorneys work together in a very collaborative way to support the relationship of both parties — meeting together at the outset, working on a single document, encouraging participatory and supportive negotiation.

If this sounds like the way you want to establish the relationship with the donor, keep it in mind as you choose your lawyer and ask questions about their practice style.

HOW CAN BIOLAW GROUP, OR OTHER SPECIALIZED ATTORNEYS, HELP YOU?

- By explaining the purpose behind the documents you might need to sign;
- By preparing and negotiating the Known Donor/Recipient Agreement;
- By protecting your rights;
- By clarifying expectations with the donor and shaping your relationship with them;
- By assisting as the relationship evolves;
- By providing answers, resources, guidance and support.

BioLaw Group's goal is to help you avoid a variety of needless and often unforeseen legal difficulties by providing competent and knowledgeable legal advice.