Before you start treatment using donor sperm, it is important that you are fully aware of the legal implications. Your circumstances and the choices that you make may all affect who is defined, in the law, as the parents of your child.

If you are using donor sperm, we strongly advise you to consider implications counselling with our specialist fertility counsellor and, if necessary, seek legal advice.

Here are the key points to consider about the following topics:

1. The mother of a child
2. Semen donors
3. Consent
4. Married couples
5. Civil partnerships
6. Unmarried couples and same sex couples who are not in a civil partnership
7. Single women
8. Using a donor you know
9. Finding out about donors

The mother of a child

A woman who gives birth to a child in the UK is recognised as the legal parent. So if you become pregnant and give birth following IVF treatment, you will be the legal mother of the child.

Semen donors

Under UK law, a semen donor is not considered to be the legal father of any child born following the use of his sperm. Semen donors do not have any legal, financial or parental responsibilities towards these children. The situation may be different if you use a semen donor you know.

Please see below for more information.

Consent

If you are a couple, whether married, unmarried or in a civil partnership, you will both be asked to consent to IVF treatment. If you are a single woman you will also need to consent to treatment.

At this point you will both have the opportunity to raise and address any concerns or conditions about the parenthood of your potential child.

If you are married or in a civil partnership, the husband or partner may choose not to consent to treatment or may withdraw consent. In this case they will not be recognised as the parent of a child resulting from treatment.

Married couples

Whether you use your own sperm and eggs or donor gamete(s), the husband is usually automatically the legal father of any child born as a result of IVF treatment.

However, there are cases where the husband does not consent to the treatment, or where couples are separated at the time when treatment takes place. In these cases, the husband is not
automatically the legal father.

Where there are issues, we advise that you seek legal advice and ensure that these are addressed when you consent to treatment.

**Same sex married couples and civil partnerships**

If you are a woman in a same sex marriage or living in a civil partnership, your partner will automatically be recognised as the legal, second parent and both your names will appear on the child’s birth certificate. You will both be asked to sign HFEA and Cambridge IVF consent forms.

**Unmarried couples and same sex couples who are not in a civil partnership**

If you are not married your partner can still be recognised as the legal father or second parent. However, you will need to ensure that this is clear in your consent to treatment. We advise that you seek legal advice under these circumstances.

**Single women**

You will be your child’s only legal parent. The semen donor will have no legal rights or responsibilities.

**Using a donor you know**

We are happy to use sperm from a donor you know for your treatment, but you need to be aware of the implications.

The legal conditions around semen donation are the same for all donors, whether they are known to you or not. Your donor will be required to undergo the same rigorous screening process as unidentified donors. Semen samples will need to be held in quarantine for a minimum of six months and screened to make sure they are safe to use.

Defining the parenthood of a child conceived using sperm from a donor you know can become very complex. You may, for example, choose to recognise the donor as the legal father of the child. What you decide will depend on your relationship and the circumstances of your treatment.

For this reason, we would strongly advise that legal advice be sought before this form of treatment is considered.

**Finding out about donors**

As the parents of a child conceived using donor sperm, you will be able to find out some information about the donor and also about any other children conceived using his sperm. You will not be able to identify the donor from this information.

Donors provide varying amounts and types of information when they register. The information you can access may include
a physical description of the donor (height, weight, eye and hair colour)
the year and country of the donor’s birth
the donor’s ethnicity
whether the donor had any children at time of donation, how many and their gender
the donor’s marital status
the donor’s medical history
a goodwill message from the donor to any potential children

We encourage you to share this information with your child, when they are ready, or if they are curious about the donor. When your child reaches the age of 16, they will be able to access this information from the HFEA.

At the age of 18, your child will be able to apply to HFEA for information identifying the sperm donor. This could include the donor’s name, date of birth and last known address. If your child wishes to contact the donor, they are then entitled to do so.

It is important to know that the donor will never be allowed to initiate contact with your child. The decision to make contact rests solely with the child.

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