

Thinking of using donor sperm, eggs or embryos?



Having a child using donor sperm, eggs or embryos.

What are your rights and responsibilities as a parent?

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Using a sperm, egg or embryo donor to have a child has life-long implications.

A donor may be someone you know well, someone you have found through advertising, or a person recruited by a clinic whom you don't know.

All donors in Victoria must only donate for the welfare of others and cannot be paid. Reasonable expenses can be reimbursed.

Anonymous donation is not permitted in Victoria.

Donors must agree to the release of their identifying details, including name, address and date of birth.

Donors receive counselling before donating to ensure they are aware of their legal rights and responsibilities.

Donors generously donate to help people like you become parents and create a family.

“Having a child via donation is not to be taken lightly from either side. It's complex. It's emotional. It's challenging.....but it's also exciting, rewarding and life-changing. The power to help create a human being is the most powerful gift anyone can give.”

Alison, mother of a donor-conceived child

Questions worth considering:

- How do you feel about parenting a child with a different genetic history?
- If you know your potential donor, how might the donation affect your relationship? What role might they have in your child's life? Have you discussed this with them?
- If you don't know the potential donor, what factors (e.g. health, personality) are important when choosing your donor?
- What will you tell your family, friends, and, most importantly, your child? When would you tell them?
- How will you feel if your child wants information about their donor or their half-siblings?
- How will you feel if your child wants to contact their donor when they are older?
- How would you feel if you receive a request indicating that the donor wants information or wants to meet you and your child?

It helps to consider these questions from the point of view of a donor- conceived child, even though it may be hard to imagine how your child would feel in the future.

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The law

It is important to understand the legal implications before deciding to use a donor, even if you know them. You may want to seek legal advice before proceeding.

The *Assisted Reproductive Treatment Act 2008* (Vic) governs assisted reproductive treatment (ART). Under this law, donors, recipients and people born as a result of donation have certain rights and responsibilities.

- All donors and people having donor treatment are required to have counselling before they proceed.
- It is illegal to receive payment for donating, although a donor may be compensated for reasonable expenses related to their donation, such as travel costs.
- Donors can legally donate to create up to ten families, including his or her own family.
- People wanting ART cannot be discriminated against on the basis of sexual orientation, marital status or religion. Sperm or egg donations may therefore be used by single people and same-sex couples.
- When a person reaches 18 years (or younger if a VARTA counsellor considers they are mature enough), they have the right to request and receive **identifying information** about their donor, including name, date of birth, contact details and donor code.
- Parents of children younger than 18 years can request and receive **identifying information** about their child's donor, but the donor must consent to their information being released.
- Donors can request and receive **identifying information** about their donor-offspring with the consent of the donor-conceived adult, or parent if under 18 years. Donors must agree to abide by any contact preferences of the donor-conceived person.

Who are the legal parents?

The woman treated, and her partner if she has one, are the legal parents of the donor-conceived child.

The donor is not the legal parent of a donor-conceived child. They have no legal rights or obligations to the child(ren) born as a result of their donation, or to the parent(s).

Information recorded about your child

VARTA manages the **Central Register**, which holds **identifying information** about all donors, parent(s) and children born from donor sperm, eggs or embryos.

An ART clinic is required to provide the following information to the **Central Register**:

- the parent's full name(s)
- the child's full name
- the date and place of the birth.

VARTA and the clinics also keep **non-identifying information** about donors including:

- physical characteristics – such as height and eye colour
- social information – such as cultural background and medical history.

Privacy is a major priority. Personal and health information about donors is carefully protected at all times.

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Information on the birth certificate

The parent's name(s) will appear on the birth certificate as the legal parent(s). **The donor's name will not appear on the birth certificate.**

The Registry of Births, Deaths and Marriages will also mark 'donor-conceived' on their record of the child's birth.

Adults can apply for their birth certificate. When it is issued to a donor-conceived person, a second page is attached stating that more information about their birth is available.

If they request more information, they will be informed that their details are on the Central Register at VARTA. **If they did not know previously, they will then find out that they were donor-conceived.**

The second page can be removed so that the birth certificate can be used for official purposes, such as applying for a passport, without revealing that they were donor-conceived.

"Knowing where you come from is a fundamental part of understanding who you are."

Ross, donor-conceived

What can donor-conceived people and their parents find out about the donor?

The law ensures that people created from donor treatment can trace their biological and cultural heritage.

When a donor-conceived person turns 18 (or is younger and a VARTA counsellor considers them mature enough), they can apply to VARTA's **Central Register** for **identifying information** about their donor. The donor consents to this information being released at the time of donation.

Parents can also apply for **identifying information** about their child's donor at any time. However, this information will only be released with the donor's consent and after the parents have received counselling from VARTA.

What information can be found about families created by the same donor?

Parents and donor-conceived people can apply to their clinic or VARTA for **non-identifying information** about other children conceived by the same donor (donor-siblings), including the number, gender, and month and year of birth.

Donors, parents and donor-conceived people who want to connect can lodge additional information about themselves on VARTA's **Voluntary Register**. This information is only shared with mutual consent.

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What can donors find out about their donation?

Donors can contact their clinic, or apply to VARTA, to seek **non-identifying information** about child(ren) born as a result of their donation, including the number of offspring, gender, and the month and year of their birth.

They can also apply to the clinic to seek **non-identifying information** about parent(s) who used their donation.

Donors also have a legal right to apply for **identifying information** about child(ren) born as a result of their donation.

Identifying information is only given to the donor with consent from the donor-conceived adult, or from the parent, if the child is younger than 18 years.

If you have more questions, VARTA's experienced counsellors offer free, confidential information and support.