

What to do with your unused embryos?



People who have embryos in storage sometimes find it difficult to decide what to do with embryos they don't plan to use. Having completed the family is the most common reason for stopping treatment. However, illness, separation or other circumstances may also prevent people from using their stored embryos.

What to do with your unused embryos?

This brochure outlines the options available when deciding what to do with unused embryos that are stored in Victoria. The information is based on legislation and practices in Victoria, Australia.

The *Assisted Reproductive Treatment Act (2008)* limits storage time for embryos to five years, with the option for the clinic to approve extension for a further five years. Approval to extend storage of embryos beyond 10 years requires a written application to the Patient Review Panel. The clinic where your embryos are stored will contact you when the storage time limit is approaching to ask what you want to do with your embryos.

If you move, remember to inform the clinic storing your embryos so that they can contact you. The clinic is required by law to dispose of the embryos when the storage time limit has expired if they do not receive instructions from you.

What to do with your unused embryos?

Options for unused embryos:

1. Applying for permission to continue to store the embryos
2. Disposing of the embryos
3. Allowing the embryos to be used for research
4. Donating the embryos to another person or couple.

Please note that all options may not be available at the clinic where your embryos are stored. It may be possible to transfer your embryos to a clinic that does offer your preferred option.

When you have made your decision, you need to complete a written consent form instructing your clinic as to what you want to do. If a donor's gametes were used to form the embryos, the donor also needs to sign a consent form. Clinic staff can advise you about the consent process.

1. Continue to store the embryos

After five years of storage, the clinic where your embryos are stored will contact you and ask what you want to do with the embryos. If you want to continue storing the embryos, the clinic can grant you a five year extension. If, after 10 years, you still want to keep your embryos stored, you must apply to the Patient Review Panel for permission. The clinic will contact you to alert you that storage time limit is approaching and provide you with the application form you need to complete if you want to extend the storage time. In most cases, approval to extend storage is granted, provided satisfactory reasons are given. Examples of reasons that are likely to allow you to continue storage are:

- you are still having treatment
- you wish to have a child in the future
- you have a medical condition that temporarily prevents you from using the embryos.

You are also able to apply to the Patient Review Panel for extended storage time before the embryos have been stored for ten years. This option may be useful if you need medical treatment that might affect your fertility.

2. Disposal of embryos

The microscopic stored embryos are kept in sealed fine plastic tubes known as 'straws'. Disposal of embryos involves the straws containing the embryos being removed from cold storage by the embryologist and left at room temperature for at least 24 hours. They are then discarded.

If you have particular wishes about the disposal, you can discuss these with the clinic staff. It may be possible to take the embryos home after they have been allowed to succumb in the laboratory. For example, some people have buried the straws and planted a tree. Some people like to mark the end of treatment by doing something special.

3. Allow the embryos to be used for research

You may donate your embryos to research or to be used by embryologists in training. Research may include investigations of why some embryos survive and others do not, new techniques and procedures, or ways to improve assisted reproductive treatment outcomes. Each person whose gametes have been used to form the embryo (including the donor in cases where donor gametes have been used) has to consent in writing to the specific research project for which the embryos will be used. You will be given written information about the research study for which your embryo/s may be used, and an opportunity to talk to someone about it.

If you decide to donate your embryos to research, it is important to know that embryos offered for research may be discarded. This is because many more embryos are donated to research than are needed.

4. Donation of embryos to another person or couple

You may donate your embryos to someone you know or to an unknown recipient chosen by the clinic, providing the embryos are suitable for donation. Before proceeding, you will be asked about your family and medical history, and you and the recipients of your donated embryos will receive counselling about the legal, practical, social, and emotional implications of embryo donation.

It is important to think through whether you feel comfortable about donating your embryos because, if a child is born, this will have lifelong significance for you and your family. Some of the things to consider include: how you might feel towards this person; that he or she is genetically connected to your children and other members of your family; and that the recipient family may have different values, backgrounds, beliefs and parenting styles from your own. If you donate your embryos to someone you know, you should think about and discuss with the recipients whether you will have contact with the child and if so, how often and what your role will be.

If the donation is successful, the names of the people who contributed the gametes (usually you and your partner) are recorded on the Victorian Donor Register. The person born as a result of the donation is entitled to know your identifying details once she or he becomes an adult. The recipient parents can apply to the donor register to find out more about you and will be given this information if you consent. Likewise, you may access identifying information about the recipients and the child if they consent. Apart from agreeing to being identified as the genetic parents of a child born as result of your donation, you have no other legal rights or responsibilities relating to the child. You can find out more about the implications of donating in VARTA's *Time to donate?* brochure.

The meaning and significance of embryos are not the same for everyone. Some people feel unable to donate their embryos because they consider them to be potential children and connect them emotionally to their existing children. Others feel differently and are comfortable with embryo donation.

What to do with your unused embryos?

Deciding what to do with unused embryos can be difficult.

Some people find it relatively simple to decide what to do with unused embryos. Others find the decision challenging and distressing and would prefer not to have to make a decision at all. Many find they are choosing the least uncomfortable option, rather than making a positive decision. It is a very personal decision that may challenge your ethical or religious views and ideas about the significance of embryos. When you started IVF treatment, you may not have thought about unused embryos, your views may have changed over time or since having children.

You may also have a different view to your partner, the donor (if you used one) or your family. In situations where one partner wants to end treatment and the other wants to continue, when partners have separated, or when one partner is willing to donate the embryos but the other partner is not, the decision is likely to be particularly difficult. If you struggle to come to a joint decision, it may be wise to return to the clinic and seek counselling.

Take your time to think through all the options, including whether you want to try for another child. If you have a young family, it may be difficult to imagine having the energy, time, or income to manage another baby. However, your thoughts may change as your children grow older.

After your decision

Once people have arrived at a decision, some feel relieved. Others may be surprised to feel a strong sense of loss as the discontinuation of embryo storage confirms the reality that they may not have a child/another child. There is no right or wrong way to feel; every response is legitimate.