



Published by the Progress Educational Trust

News

Lawsuit against US clinic reignites sperm donor debate

12 October 2009

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Appeared in BioNews [529](#)

A 35-year old single mother, identified as Jane Doe, has sued the New England Cryogenic Center (NECC) in order to learn the paternity of her ill eight year old twins who were conceived with anonymously donated [sperm](#) from the NECC.

Doe became pregnant in 2000 after being artificially inseminated with sperm from a donor identified only as 'D237' and his status as medical student. In a statement to the Boston Herald Doe claims that the NECC assured herself of her future children of contact with the donor-father: 'Before I conceived, I searched hard to find a donor who really wanted contact with his kids through me. I used D because I was told that this was the case. I would never have taken legal action against a donor that I understood wanted to remain anonymous from his children. In fact, I would never have used such a donor at all. I think it is unethical to do so'.

According to Doe, she reached a deal with the NECC, agreeing to purchase a years' worth of treatment using D237's sperm in exchange for contact. In her statement Doe outlines numerous attempts over the years to seek contact with the donor, all to no avail. Furthermore, since birth the twins have suffered poor health which Jane Doe believes may be due to a paternally inherited health condition. She has therefore filed a paternity suit to learn both the identity and medical history of her sperm donor.

The NECC have denied they made any such assurances regarding contact with the donor. Attorney Joyce

Kauffman, representing the NECC, responded to Ms Doe's claims stating that 'these are the things she says... and we dispute all of those allegations. We have all along.'

Judge John M Smoot of the Suffolk Probate and Family Court refused to grant an order requiring the NECC to reveal D237's identity. Doe appealed to the Massachusetts Appeals Court, who have refused to hear the case until Judge Smoot's investigation into whether D237 is in fact the father of Doe's twins and, further, whether the children inherited a health disorder from him has concluded.

This case has drawn attention to the distinct lack of clarity in Massachusetts law on sperm donors' obligations to children they father, attracting comment from interest groups and experts alike. Wendy Kramer, founder of the Colorado-based Donor Sibling Registry and mother of child conceived by sperm donation, sums up the legal landscape as 'the Wild West', adding: 'There's no regulations. That's the problem.' Susan Crockin, a specialist in reproductive technology law, echoes Kramer's sentiment: 'We would be glad to have a little clarity in the law about whether someone is or is not a parent. That would save a little heartache'.

At present Massachusetts law states that 'any child born to a married woman as a result of artificial insemination with the consent of her husband, shall be considered the legitimate child of the mother and such husband.' No mention is made of the paternity of children born to single mothers or lesbian parents using donated sperm.

Sean Tipton, spokesperson for the American Society of Reproductive Medicine has advocated a system of private regulation where decisions are made by and between concerned adults, not courts and legislatures. He points out that 'most states have established a clear path for sperm donors to relinquish their parental rights and obligations... Agreements entered into need to be honored unless all parties agree to change the terms.'

Scott Brown, on behalf of the California Cryobank, America's largest sperm bank, has spoken up for the status quo; he points to the trend among European nations to ban anonymous donation, which he indicates has resulted in longer waiting lists for women seeking donor sperm. Commenting on the case in hand he said that 'my confident assumption is (Doe) will not prevail. You can't compel somebody to make their medical records public. It's against the law.'

However, Wendy Kramer approaches this debate from a different angle: 'We worry about the best interests of sperm banks and donors and recipients,' she says: 'But what about the child's?' Meanwhile, Jane Doe, her daughters, and the unknown donor D237 await results of the legal investigation.

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