



COMMONLY ASKED QUESTIONS ABOUT OVUM DONATION

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What is the role of the agency in ovum donation?

The ovum donor agency provides profiles of available donors for review by Intended Parents. The profiles contain photos of the donor (and donor's children, if any), medical history, educational/employment background and essays. In most cases the information is self-reporting and not verified. The agency will schedule psychological evaluations of the parties, coordinate medical appointments, manage the escrow account for disbursement of the donor's fee and expenses, arrange for the donor's medical insurance, offer legal referrals and provide support and guidance to the parties throughout the process. The agency also may generate a standard written ovum donation agreement.

What is the role of the attorney in ovum donation?

The attorney drafts or reviews the written ovum donation agreement between the parties, negotiates proposed modifications with the other party's attorney, and provides advisement on legal issues. It is strongly recommended that the parties seek representation by independent legal counsel.

What is the role of the mental health professional in ovum donation?

The psychological evaluation is usually the first step in the screening process. The mental health professional evaluates the donor and Intended Parents regarding their suitability for ovum donation. Psychological testing is often administered as part of the evaluation.

What are some of the main factors that Intended Parents consider when selecting an ovum donor?

Intended Parents consider genetic history, physical characteristics, ethnicity, interests, educational/employment background, pregnancy history, lifestyle and personality.

What are the arguments in favor of disclosing the fact of the ovum donation to resulting offspring?

Proponents of disclosure state assert that the child has a right to know about their genetic heritage. There is nothing shameful or degrading about ovum donation. Holding a secret of this enormity, regardless of the content, can set up a harmful dynamic within the family. Open communication and sharing of information in a positive framework will affirm that it is not merely genetics that create family bonds.

What are the arguments in favor of not disclosing the fact of the ovum donation to resulting offspring?

Proponents of non-disclosure assert that information regarding ovum donation will be confusing and burdensome to the child. The child may reject the Intended Mother and feel frustrated that they will never be able to make contact with their genetic link. Although the donor's contribution was crucial, the Intended Mother is the biological mother. Ovum donation is distinguishable from adoption in that there never was a legal relationship between the donor and the child. The mother is the one who cares for the child and nurtures the child.

What is the law in California regarding ovum donation?

Although there is no specific California statute regarding ovum donation, it can be argued that the donation of ova is comparable to the donation of sperm as set forth in California Family Code Section 7613 (whereby the potential parental rights of the sperm donor are severed if the procedure takes place at a medical facility. By giving birth to the child, the Intended Mother is treated in law as the presumed legal and natural mother of the child. In Buzzanca v. Buzzanca (61 Cal. App. 4th 1410 (1998)), the Intended Parents of the child were recognized as the child's legal parents, rather than the ovum donor, sperm donor or gestational surrogate.

What items are covered in the written ovum donation agreement?

The written ovum donation agreement includes provisions regarding the donor's fee, expense reimbursement, the donor's relinquishment of rights to the retrieved ova, resulting embryos and resulting offspring, the agreement of the Intended Parents to accept full legal responsibility for any resulting offspring, assumption of risks, confidentiality, the disposition of remaining cryopreserved embryos and arbitration/mediation.

What safeguards can be put into place in a private ovum donation arrangement?

The donor's fee and expenses can be held in escrow through an attorney client trust account or independent escrow company and disbursed according to the terms of the written ovum donation agreement. Background checks of the parties can determine credit history, employment history and criminal record. All parties should complete a psychological evaluation and retain independent legal counsel.

What are the choices of the Intended Parents in regard to the disposition of remaining unused embryos?

Remaining unused embryos may be cryopreserved for the exclusive use of the Intended Parents, discarded, donated for medical research or donated (usually anonymously) to other infertility patients. The parties should reach a mutual understanding regarding the disposition of cryopreserved embryos.