UCSD BIOMEDICAL ETHICS SEMINAR SERIES

Ethical Issues in Donor Insemination: What Should We Tell The Children?
November 15, 2006
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Discussion Summary

Waldman: Should US law change to preclude anonymous sperm donation?
• Proposed change in public policy based on presumed “right to know” (the facts of their conception) of donor children.
  o Is there such a right?
  o If so, what is the basis of such a right?
• If the claim is that anonymity harms donor children, what is the evidence?
  o Is closed donation exacting a price?
  o Does the data show this?
  o Are the benefits of open donation (for children, for parents) established?

Answer: Amazingly little data exists
• Methodological flaws in existing studies, e.g., self-selection bias, small number of parents who disclose fact of sperm donation, difficulty establishing causality.
• Studies of donor children do not support claims of harm, aside from the harms of parental secrecy, lying, or resulting mistrust.
• Data from adoption studies, however, suggest the benefits of moving from a closed (anonymous) to an open system. Children do just fine in integrating birth mother into the social family.

Questions

• What exactly is meant by an “open system”?
  o Existing system gives access to biographical and medical information.
  o Open system would add identifying information of biological father: name, location.
  o Would give donor children the right to contact biological parent and end sperm donation as a “one time event.”

• Would an end to anonymous donation make open donation symmetrical, i.e., donors could contact their biological offspring?

• How might such a change in law affect
  o Rates of donation?
  o The donor population, i.e., who chooses to donate and for what reason?
  o Families who use IVF, many of whom do not wish to disclose?
Single women or lesbian couples who might wish to procreate without the social involvement of a father?

Privacy rights?

- What do we know from the experience of other countries who have ended anonymous donation?
  - Britain has experienced a significant drop in sperm donors. Now have a ‘sperm crisis.’ This drop off may change over time or with reconfigured donation programs.
  - Sweden has long had an open system with sperm donation recognized as a kind of public service, helping those who need assistance in reproducing. Many of the family conflicts caused by secrecy, lies, or (in the case of single mothers or female couples) a need to “invent” a story disappear with an open rather than closed system.

- Suppose we conclude in favor of an open system? How do we get there?
  - 2 steps:
    - Parents have to be willing to tell their kids the facts of their conception.
    - There needs to be a system in place for children who, at the age of 18 (or some legally specified time), wish to get more information or contact the donor.

- Might such a system fall prey to criminal intent?
  - Donors who might use their status to gain access to children, engage in blackmail or other harassment of families.

- Given American attitudes about family, sexuality, and infertility, might an end to anonymous sperm donation face social hurdles not present in certain other countries?
  - Waldman: Many state adoption laws still allow the birth mother the right to “opt out” of open adoption and maintain anonymity. Might any change in law regarding sperm (or gamate donation) want to offer a two-tiered system, preserving strong privacy rights for those who wish them?