

Parenting Options for the LGBTQ+ Community: A How-To Guide



 FAMILY EQUALITY COUNCIL

PATH²
PARENTHOOD

Are you a member of the LGBTQ+ community who is considering expanding your family?

Everyone deserves to have the family of their dreams. We hope that this book will give you some of the tools you can use to make that happen. If you need more information, Family Equality Council is here for you.

Family Equality Council's mission is to advance legal and lived equality for LGBTQ families, and for those who wish to form them, through building community, changing hearts and minds, and driving policy change.

Our staff is available Monday-Friday via email, phone, and live chat. Visit our website, www.familyequality.org, for more information!

Love. Justice. Family. Equality.



For individuals with a uterus, there are a number of options to consider on your path to parenthood.

Whether you are part of a couple or single, your first decision will be to determine if you wish to have a biologically linked child or if adoption, either domestic, international, or through the foster care system, feels more like a fit.

If you decide that pregnancy and child birth is the route you wish to pursue, the first thing you will need to do is determine your level of fertility health. This will help save time and money, streamlining your journey into parenthood. An infertility specialist, such as a reproductive endocrinologist, can administer simple tests able to provide information about your egg supply and ovulatory function, as well as identify potential issues, such as blockages in your fallopian tubes or uterus, which would make conception difficult or impossible. Some couples opt to have both partners tested, in order to identify which one may be most likely to conceive easily. You will then be ready to identify the type of sperm donor you wish to work with, and find an assisted reproduction attorney who specializes in third party reproduction and LGBTQ+ parenting issues.

Known Donors

- A known donor is typically a friend or relative.
- Working with a known donor is typically less expensive, since the sperm will not need to be purchased.
- In the case of a known donor, it is also possible to obtain a fresh sample instead of a frozen sample. Do note that fresh sperm will not have undergone two testings over a six month period of time for infectious diseases, including HIV. All IVF programs and most sperm banks will follow the same screening process for known donors that they do for unknown donors.
- For many individuals, the personal connection shared with their known donor is a plus, particularly if they are committed to their child(ren) having a relationship with the donor throughout their lifetime.
- It is recommended that you have a legal contract in place with your donor prior to the birth of the child. This will help clarify parentage, donor rights, and your family's privacy rights. It is important to note that the laws of your state of residence will significantly determine your legal rights in this regard, and that, since the laws vary from state to state, your rights may change if you move to a different state.
- Life has a way of happening. It is very important to understand that the personal relationship that you currently have with the person you are considering to be your donor may change over the course of your lifetime. Mapping out every potential scenario that you can visualize, including the death of either or both parents or the donor as well as

possible financial issues and concerns, and discussing all of these in detail with your donor, will make this choice more tangible, realistic, and safe for all of those involved.

Anonymous Donors

- You may choose to work with an anonymous donor for a variety of reasons, including anonymity of identity, and safety from infectious diseases.
- Sperm donors through a sperm bank currently have the option of being anonymous, meaning that they do not wish to have any identifying information about themselves disclosed to any adult offspring which may have been born as a result of their donation.
- Others may choose to participate in the identity release programs that many sperm banks now offer. This means that the donor agrees to allow the sperm bank to release his identity at the request of adult offspring over the age of 18 years old.
- Several registries also currently exist that enable donors and offspring to search for each other, as well as their half siblings.
- Based on current laws, unknown donors cannot claim any legal rights to the children born through their donation. Buying anonymous donor sperm from a sperm bank is the most stream-lined route that you can take concerning potential parental rights issues. Complete anonymity cannot ever be assured, however. The use of increasingly sophisticated internet searches, as well as wide spread accessibility to DNA testing, have opened up new avenues for those wishing to know more about their biological father, siblings or half-sibling.



Since sperm banks are regulated, they must follow the below guidelines:

- Cryopreserved donor sperm can be released for insemination only after quarantine of at least 180 days, and repeat negative testing of the donor for all STIs (sexually transmitted infections) including HIV.
- The sperm bank must be licensed by the local board of health or a similar agency.
- The sperm bank must obtain and present a detailed personal and sexual history of the donor.
- The sperm bank must obtain and present a thorough physical examination of the donor and screen out potential donors who are at increased risk for STIs.
- The sperm bank must screen for heritable diseases, such as cystic fibrosis.
- In order to limit the number of half siblings that are generated from any one donor, strongly consider working with a sperm bank that controls the number of live births obtained from each donor.

Once you determine the type of sperm donor you will utilize, you are ready to determine how the insemination will take place.

At-Home Insemination

For those under 35 who menstruate regularly and have no known fertility challenges, at-home insemination may be an appealing avenue. Before you start, consider getting a fertility checkup from your gynecologist, or reproductive endocrinologist. This type of exam is typically covered by insurance, and can reveal conception blockers you may not be aware of, such as fibroids, polyps, blocked tubes, or problems with ovulation. If you are over 35, a simple blood test can uncover issues, should they exist, with egg quality or quantity.

There are several different options you can utilize at home, from using a needleless syringe or a cervical cap to hiring a midwife / nurse practitioner who can do at-home intrauterine inseminations. Laws do vary from state-to-state, so take the time to consult with a professional prior to pursuing this option. If using a known donor and a fresh sample, at home insemination may also add complications when attempting to establish parentage. Know the laws in your state!

Intrauterine Insemination

Intrauterine insemination (IUI) is also known as artificial insemination. With IUI, a speculum is inserted into the vagina and then a thin flexible catheter is placed into the cervix. Washed sperm are then injected directly into the uterus with a syringe. The procedure is not uncomfortable for most people and takes around five minutes to complete. When infertility medication is utilized as part of this protocol, multiple births may occur.

In Vitro Fertilization

In Vitro Fertilization, or IVF, refers to the combining of sperm with an egg or eggs in a Petri dish. The embryos which result from this process are then either transferred into the uterus or cryopreserved (frozen) for future use.

Reciprocal In Vitro Fertilization

When both parties of a couple have functioning female reproductive organs, reciprocal IVF may be considered. Eggs are harvested from one partner's ovaries, the eggs are inseminated outside of the body, and resulting embryos are transferred to the second partner's uterus. reverse at a later time.



Surrogacy and egg donation are also viable routes to parenthood.

There are two types of surrogates, traditional and gestational.

Traditional surrogates and gestational carriers will need to undergo both physical and psychological evaluations prior to attempting pregnancy, as will your egg donor.

A **traditional surrogate** supplies her own eggs and also carries the baby to term. If you utilize a traditional surrogate, she will need to surrender her parental rights to your baby upon birth. Traditional surrogates sometimes require In Vitro Fertilization (IVF) in order to conceive and are typically friends or relatives of one of the potential dads.

A **gestational carrier** does not supply her own eggs; instead an egg donor (often an anonymous one) is used. Egg donation agencies will be able to provide a full medical history, including a genetic and psychological screening, and current and/or baby photos of the egg donor to help you make a selection. This type of arrangement always requires IVF.

First Things First

If you opt to work with a gestational carrier and an egg donor, it is important to note that the quality of donor/surrogacy agencies varies greatly. It is best to work with an IVF clinic, a donor and surrogacy agency or agencies, and an attorney specializing in assisted reproduction legal matters.

Working with an IVF Clinic

When you are choosing an IVF clinic, consider asking the following questions:

- In what year was your clinic established?
- Do you offer both egg donation and surrogacy on site? If not, can you recommend a donor agency and/or surrogacy agency experienced in working with the LGBTQ+ community?
- Can you recommend an assisted reproduction attorney who is well versed in surrogacy and family law for the LGBTQ+ community?
- If I identify an assisted reproduction attorney and/or a donor/surrogacy agency that I wish to work with, will you accommodate my choice?
- What is your success rate for this procedure?
- What if it doesn't work the first time? What are our options and costs for subsequent attempts?
- What medical tests will I need to have done prior to giving a sperm sample?
- Can sperm samples from both me and my partner be combined? How is this accomplished? Does this always result in a multiple pregnancy?
- How can we assure the health and well-being of both our gestational carrier and our egg donor throughout this process?
- Are you registered with the Food and Drug Administration as a Human Cell and Tissue Establishment?
- Are you a member of the American Society for Reproductive Medicine (ASRM)? Do you follow ASRM guidelines on protocols concerning number of embryos transferred?

- What percentage of your clients are LGBTQ+?
- Has your clinic completed any cultural competency training for the LGBTQ+ community?
- How do we become matched with a surrogate/donor through your program?
- What are your fees?

Working with a Donor/Surrogacy Agency

Questions to ask your potential donor/surrogacy agency include:

- In what year was your agency established?
- Do you offer both egg donation and surrogacy?
- What is your success rate?
- Are you a member of the American Society for Reproductive Medicine?
- What percentage of your clients are LGBTQ+?
- Can you recommend an assisted reproduction attorney experienced in surrogacy and egg donor arrangements in my state of residence as well as in the states where my surrogate and egg donor reside who is also familiar and up-to-date with family laws affecting the LGBTQ+ community?
- What extra legal steps, if any, need to be taken by my partner or by myself once our baby is born?
- How do we become matched with a surrogate?
- How do we become matched with an egg donor?
- Will we have a surrogacy contract and an assisted reproduction attorney available to represent us? Does my partner need his/her own assisted reproduction attorney? What about our surrogate and donor; do they require separate legal counsel?

- How can we assure the health and well-being of both our gestational carrier and our egg donor throughout this process?

There is also good news for intended fathers who are HIV positive. A new sperm washing and testing process now makes fatherhood possible. If either one or both male partners are HIV positive, call the P2P helpline at 888-917-3777 for a list of donor/surrogacy agencies and IVF Centers who will be happy to work with you.

Working with an Assisted Reproduction Attorney

Protecting your family, and especially your children, is of paramount importance. In assisted reproduction matters, the legal groundwork needs to be established for the rest of your lives. Issues concerning parental rights establishment, birth certificates and passports for the child(ren) and other matters need to be discussed with an experienced and reputable attorney who has an expertise in assisted reproduction laws and other family formation laws that affect LGBTQ+ families. Questions to ask your assisted reproduction attorney include:

- Are you experienced in surrogacy and egg donor arrangements in my state of residence as well as in the states where my surrogate and egg donor reside?
- Are you also familiar and up-to-date with family laws affecting the LGBTQ+ community?
- What extra legal steps, if any, need to be taken by my partner or by myself once our baby is born?
- Does my partner need his own assisted reproduction attorney? What about our surrogate and donor; do they require separate legal counsel?
- Will you be our liaison at the hospital?
- What are your fees?
- How do we initiate a second parent adoption?
- Do you know of any pending legislation that could affect our family structure?

- Can both my partner's name and my name be on the birth certificate? Are any additional steps required in order for us to obtain a birth certificate or passport for the child(ren)? Will our baby be recognized as ours when we travel to other states and countries?

There is also good news for intended fathers who are HIV positive. There is a sperm washing and testing process that makes fatherhood possible for the HIV positive community. If either one or both male partners are HIV positive, you have options! Connect with Family Equality Council via email, chat, or phone to hear about your local options.

Fertility Preservation for Transgender Individuals

Talk with your doctor about fertility preservation prior to undergoing gender affirmation surgery. Sperm and eggs can be successfully cryopreserved and thawed for later use.

To learn more about banking eggs and sperm, as well as insemination procedures, and adoption, please view Family Equality Council's handbook, "Family Building for Transgender Individuals: A Guide to Becoming a Parent" at www.familyequality.org.



While adoption is legal for the LGBTQ+ community in all 50 states, certain agencies do still discriminate against LGBTQ+ prospective parents. If you are considering adoption, know that there are agencies in your state who are eager to work with you. An internet search can help you develop a short list of LGBTQ+-friendly adoption agencies. If you need help getting started, Family Equality Council is here for you!

There are a number of different types of adoption that you may wish to consider.

Adoption through the Foster Care System: These are children whose birthparents cannot care for them and whose parental rights have been terminated. The children are temporarily in foster or group homes while waiting to be adopted. You can learn more about the children by contacting the public or private agencies in your community.

Fost-Adopt: This is a form of adoption where a child will be placed in your home as a foster child, but with the expectation that he/she will become legally free and available to be adopted by you.

Infant Adoption: There are more people wanting to adopt infants than there are infants available to be adopted. Infants may be adopted through adoption agencies, domestically or internationally, and through independent adoptions directly with an attorney.

International Adoption: There are several countries that will allow children to be adopted to LGBTQ+ parents. These adoptions are facilitated through adoption agencies within the United States with working relationships abroad.

The LGBTQ+ community is able to successfully adopt both domestically and internationally. There are also hundreds of thousands of children of varying ages currently available to be placed in loving homes via the foster care system. If you have questions about foster care or adoption, Family Equality Council is here to help.

There are many viable routes to parenthood currently available to LGBTQ+ individuals. None is more preferable to any other, and all are dictated by personal choice, opportunity, and possibly gut instinct as well. We invite you to take your time when making this most important of all decisions, and hope that your future is filled with light, love, and the sound of children's laughter. www.familyequality.org

Recent research indicates that over 6 million 18-35 year olds in the US identify as LGBTQ+, and that a majority of them are considering starting or growing their families.

Family Equality Council's Path2Parenthood program provides support for:

- ✓ Prospective LGBTQ+ parents
- ✓ Caring professionals seeking to increase their cultural competency
- ✓ Employers working to create LGBTQ+-friendly places of employment

For Prospective Parents



Written Resources

Educational materials developed for each unique community within the LGBTQ+ family to help navigate the multitude of paths to parenthood.



Educational Events

From biological conception to foster care and adoption and trans fertility preservation, Family Equality Council offers in-person educational events around the country for members of the LGBTQ+ community.



Videos

Short videos with LGBTQ+ families and prospective parents highlight common challenges and possible solutions to family building.



Live Chat Tool

A staffed chat feature on our website for those seeking information on LGBTQ+ family building.

For Providers & Employers



Open Door Provider Training

A virtual training program for family-building providers to ensure that the field is ready to serve our families safely, appropriately, and respectfully.



In-Person Training

On-site, in-person trainings delivered for providers and employers around the country on the specific needs of the LGBTQ+ community as they relate to family building.



Consultation

Custom consulting engagements focused on creating supportive and inclusive policies and practices, such as revising workplace forms to make them more inclusive and gender neutral, or determining what benefits to offer your employees.

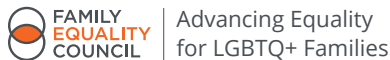
Learn more & contact Family Equality staff at:
www.familyequality.org/p2p





At the start of October 2018, Family Equality Council announced a merger with Path2Parenthood, bringing Path2Parenthood's comprehensive family-building educational work to the LGBTQ+ community as a program of Family Equality Council.

In the past decade, Path2Parenthood has become a leader in family-building education for the LGBTQ+ community, and we are delighted to expand these services as part of Family Equality Council's comprehensive programming for LGBTQ+ families and those who wish to form them.



Sources

American Society for Reproductive Medicine
Centers for Disease Control and Prevention
Path2Parenthood Library