



Get a load of this: Sperm Donor Agreements

When engaging a sperm donor through a private (non-clinic) donation, consider a sperm donor agreement that sets out the intentions of all parties. This may help clarify the sperm donor has no legal rights or liabilities for any child created.



Female couples using sperm donation: The woman who gives birth is a mother of the child, and her partner is also a mother to the child.

Both women are recognised from birth as mothers of the child so there is no need to adopt, but a written sperm donor agreement is recommended as it may help clarify the sperm donor has no legal rights to the child.



Parenting Agreements

Are a useful tool for people wishing to co-parent a child together when the law would ordinarily not provide any parental rights.

For example, a single woman and a male friend who are not in a relationship and the child is created by artificial insemination.



Do sperm donors have legal parental status?

Sperm donors have no legal parental status, they are not the legal father of children created.

Can sperm donors be anonymous?

Sperm Donors cannot be anonymous in New Zealand.

Identifying Information is held about clinic sperm donors, accessible by the child or their parents.

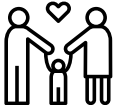
Do I need an ECART report?

Some sperm, egg and embryo donations require an ECART report, as do donations between family members.

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Surrogacy: the low down

When a child is born from a surrogacy agreement in New Zealand or internationally, New Zealand law applies and says:

Surrogate = mother of the child, whether using her own eggs (traditional surrogacy) or donated eggs (gestational surrogacy).

Surrogate's partner = parent of the child.

Woman supplying eggs = egg donor; not a parent of the child (even if intended parent).

Man supplying sperm = sperm donor; not a parent of the child (even if intended parent).



Can International surrogacy be commercial?

International surrogacy can be commercial if legal in the country the agreement takes places.

Domestic surrogacy MUST be non-commercial (altruistic)



Adoption Requirements

Adoption is still required even in international surrogacy and when a birth certificate has been issued naming intended parents as birth parents in the country surrogacy took place.

Adoption is available to all regardless of gender, relationship status (married, civil union or de facto) or sexual orientation.



Gaining legal parental status

Intended parents must adopt any child born to a surrogacy agreement to gain legal parental status in New Zealand.



About us

D&S Law is a boutique law firm with a wealth of knowledge and experience across a range of areas of the law.

Stewart is regarded as an industry expert on all aspects of fertility law, including domestic and international surrogacy, sperm donor agreements, ECART legal reports and adoptions. Our team is well-versed in immigration law and visa application, immigration deportations, refugee claims and appeals. Pooja also specialises in family (domestic) violence matters.

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