



Becoming the legal parents of your child



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This leaflet is for people who are not married or in a civil partnership and are having fertility treatment with donated sperm or embryos at a UK clinic licensed by us.

Does this advice apply to me?

When you're going through treatment there are lots of things to think about and paperwork is probably the last thing on your mind. But if you're using donated sperm or embryos in your treatment and are not married or in a civil partnership, it is essential that you and your partner give consent so that he or she will be the legal parent of your child. Consent must be given before your treatment (before the sperm is inseminated or your embryo is transferred).

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If you are the person who gives birth to the child, you will be their mother and legal parent. But your partner won't automatically be the parent unless you both consent.

This applies even if you are in a female same sex relationship and your partner is donating her eggs to you for your treatment. It also applies if you are not in a relationship with one another but have decided to co-parent. If the other person is related to you then you should take legal advice as they may not be able to be a legal parent.

If you are married or in a civil partnership before treatment, this information does not apply to you. Your partner will automatically be the legal parent unless they indicate they do not consent to the treatment.

So if you plan to have a child with someone other than your spouse or civil partner, it is very important that you inform your clinic about your situation and that you make sure that all the relevant consents are recorded.

Why is legal parenthood important?

Legal parenthood means that you are legally recognised as your child's parent. It affects a wide range of areas such as your child's nationality, inheritance and your financial responsibility for your child. It is also important for your child to be clear who his or her legal parents are.

Your partner should only be registered on the birth certificate if he or she is your child's legal parent. If they are not on the birth certificate, they might not have the right to make important decisions about things like their schooling, medical treatment and religious upbringing.

Okay, how can my partner become the legal parent?

Your clinic must provide you and your partner with information about legal parenthood and what it means, and give you an opportunity to have counselling so you both fully understand the implications of the decision you're making. Once they've done that, you will both need to give consent in writing. We give clinics specific forms for this.

Remember these forms must be completed before the sperm is inseminated or embryo transferred. You cannot complete them after treatment has taken place.

Which forms must we complete?

You, the birth mother, must complete:

WP Form – Your consent to your partner being the legal parent

Your partner must complete:

PP Form – Your consent to being the legal parent

Your clinic must provide you with these forms and should help you complete them.

What if we change our minds, can we withdraw our consent?

Yes, you can withdraw your consent to your partner being the legal parent. Your partner can also withdraw their consent to being the legal parent.

This can only be done before treatment takes place. In these circumstances, if you go ahead with treatment and give birth, you will be a legal parent but your partner will not. You could consent to another person being the parent before treatment takes place.

If you want to withdraw your consent, or consent to another person being the parent, you should talk to your clinic about this. It is important that you let your clinic know immediately and in writing, before treatment takes place. We give clinics a specific form for this too.

What information should my clinic give me?

Before you fill in any consent forms, your clinic should give you information to help you make an informed decision. This includes information about:

- how to access counselling
- the different options in the WP and PP consent forms

- the implications of giving your consent to legal parenthood
- how and when you can make changes to, or withdraw, your consent to legal parenthood, and
- the consequences of withdrawing consent.

If you have not received this information you should ask your clinic to provide it.

What if we have not given consent?

If you do not give consent correctly your partner's status as a legal parent could be challenged.

Errors might include:

- failing to complete these forms before treatment
- mistakes on the forms
- not giving all of the information requested
- not receiving the right information from your clinic, or
- the forms getting lost.

If, because of a mistake, there's a worry that your partner isn't the legal parent of your child, you will need to discuss this with your clinic and seek legal advice.

Important checklist



Ask yourselves these questions before going ahead with treatment to make sure your partner will be the legal parent:

- ✓ Are you clear about whether you and your partner need to provide consent to parenthood?
- ✓ Have you received information about parenthood and the implications of providing consent from your clinic?
- ✓ Have you been offered the opportunity for counselling?
- ✓ Have you carefully read and understood the WP and PP consent forms?
- ✓ Have you and your partner properly filled in the forms? It might seem obvious, but make sure you've entered your personal details correctly, filled in all the sections and clearly ticked the box confirming your consent. Make sure you've signed and correctly dated the bottom of each page too.
- ✓ Have you completed the forms before treatment?
- ✓ Has your clinic given you a copy of your completed WP and PP consent forms for your personal records? You should keep these in a safe place.

Further help

If you are unsure about anything in this leaflet or would like more detailed advice please speak to your clinic. If you are inseminating in a private arrangement or receiving treatment overseas or you live overseas, different rules may apply and you should seek your own legal advice.

For further information visit our website on www.hfea.gov.uk

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Did you find this leaflet useful? Could it be improved? Please let us know by emailing enquiesteam@hfea.gov.uk.

You can also email us if you'd like to know more about our evidence sources.