What’s with the agreement? I just want to pay for sperm and get it, that’s it?

Let me introduce you to a Kansas man named William Marotta. In 2009 he donated sperm to a lesbian couple without a written agreement, and a baby was conceived. He even came around sometimes to act as a “father figure”. Things were going fine, and then they went bad.

The lesbian couple divorced (or split), the mother got injured and lost her job, and she had to go on government assistance. The state of Kansas refused to consider her ex-partner as the other parent, and wanted to find “the daddy”. A judge decided Mr. Marotta owed child support and back child support, and the mother now had to share custody with him.

The judge had three reasons: One, this was before gay marriage was recognized in Kansas; two, the donor and mother had involved the donor in the child’s life (the judge ruled he couldn’t enjoy benefits of being a father without also having responsibilities as a father); and three, no doctor was involved in the donation, which under the law, made it just promiscuity, not a recognized sperm donation. Had they even written any doctor’s name on an agreement, unsigned, state laws are specially written to still legally recognize that as a sperm donation.

The judge’s ruling eventually got reversed, but you can see the kind of hell these people had to go through, and you know who probably suffered most? The child.

Don’t feel bad for Mr. Marotta, he was the one who brought the courts into this, because he wanted more rights to the child than the mother was willing to give him.

And then of course you can google Trent Arsenault, a California man who pioneered using the internet in finding lesbian couples to donate to. He made no effort to stay anonymous, and claimed to be a virgin except for his donations. The FDA actually labeled him a medical equipment manufacturer and threatened him with fines or worse if he didn’t stop making the material available to strangers without complying with FDA testing and labeling requirements. He stopped donating, or so it appears.

Turns out that the FDA can’t touch a donor if he is “sexually intimate” with the recipient. That phrase, “sexually intimate”, has never been defined, and law experts have said the government has no legal right to define it. If Mr. Arsenault and his recipients had declared themselves “sexually intimate” without ever having to define what that exactly means to them, the FDA could not have deprived dozens more women of their donor of choice. All the while, the FDA looks the other way when disease-riddled teenagers have all the anonymous unprotected heterosexual sex they want.

If you’re here, you want full custody (donor having none), and you don’t want the donor to financially support your child (donor feeling the same way). Without this agreement, even an anonymously conceived child is one spit sample, taken by a school official without your knowledge or consent, away from opening Pandora’s box: Court battles. Custody hearings. Interstate Travel. Shared Custody. Government Bans on Donors that don’t hire lobbyists.

Having a child is risky enough as it is. Armed with this information, you would endanger your child; and you’d have to be crazy, not to want a good contract in place. I believe every attorney would agree with me.

Spend the $25, spend the 20 minutes, and get an agreement like this notarized and in place. Keep whichever donor you end up with, and the government, out of your child’s life.