

ASSISTED REPRODUCTION

What is assisted reproduction?

"Assisted reproduction" means a method of causing pregnancy other than sexual intercourse. The term includes:¹

- Artificial insemination.
- Donation of eggs.
- Donation of embryos.
- In vitro fertilization and transfer of embryos.
- Intracytoplasmic sperm injection.

What rules apply to consent for assisted reproduction?

Consent by a couple who intend to be parents of a child conceived by assisted reproduction must be in a record signed by both persons.² This requirement does not apply to a donor.³

Failure of the person to sign a consent required by the parties above, before or after birth of the child, does not preclude a finding of parentage if the persons resided together in the same household with the child and openly held out the child as their own.⁴

What is the parental status of the various parties where a child results from assisted reproduction?

A donor is not the parent of a child conceived by means of assisted reproduction. A woman who donates eggs for assisted reproduction by another woman is not considered by law to be the natural mother of the child so conceived, unless the donor and the woman who gives birth to the child as the result of assisted reproduction have agreed in writing that the donor is to be a parent⁵ Such an agreement must be in writing and signed by the egg donor and the woman who gives birth to the child and any other intended parent of the child.⁶ The physician shall certify the parties' signatures and the date of the egg harvest, identify the subsequent medical procedures undertaken,

¹ RCW 26.26.011.

² RCW 26.26.715 (1).

³ *Id.*

⁴ RCW 26.26.715(2).

⁵ RCW 26.26.735.

⁶ *Id.*

and identify the intended parents.⁷ The agreement, including the affidavit and certification, must be filed with the registrar of vital statistics, where it must be kept confidential and in a sealed file.⁸

How is the parent-child relationship established between a child and a man or woman?

The parent-child relationship is established between a child and a man or woman by:⁹

- The woman's having given birth to the child, except as otherwise provided by the laws regarding surrogate parenting.
- An adjudication of the person's parentage;
- Adoption of the child by the person.
- An affidavit and physician's certificate in a form prescribed by the department of health wherein the donor of eggs or surrogate gestation carrier sets forth her intent to be legally bound as the parent of a child or children born through assisted reproduction by filing the affidavit and physician's certificate with the registrar of vital statistics within ten days after the date of the child's birth according to law.
- An un rebutted presumption of the person's parentage of the child.
- The man's having signed an acknowledgment of paternity, unless the acknowledgment has been rescinded or successfully challenged.
- The person's having consented to assisted reproduction by his or her spouse or domestic partner that resulted in the birth of the child.
- A valid surrogate parentage contract, under which the person asserting parentage is an intended parent of the child.

What must a physician who uses eggs harvested from a donor for an assisted reproduction certify?

The physician must certify the signature of the parties and the date of the ovum harvest, identify the subsequent medical procedure undertaken, and identify the intended parents.¹⁰ This agreement, including the affidavit and certificate of intent to be bound as a legal parent, must be

⁷ *Id.*

⁸ *Id.*

⁹ RCW 26.26.101.

¹⁰ RCW § 26.26.735.

filed with the registrar of vital statistics.¹¹ This information will be kept confidential and in a sealed file.¹²

May HIV or STD testing of a sperm donor be disclosed?

Under limited circumstances, yes.¹³ HIV or STD testing of a sperm donor may be disclosed to a health care facility or health care provider that processes, procures, distributes or uses sperm for purposes of artificial insemination. See AIDS/HIV/STD.

¹¹ *Id.*

¹² *Id.*

¹³ RCW 70.24.105(2)(d) Disclosure of HIV antibody test allowed for a health facility or health care provider that procures, processes, distributes, or uses semen.