

Embryo donation in NZ

Legal framework

- The Human Assisted Reproductive Technology Act (HART Act) 2004, limits storage of embryos to 10 years (extensions can be sought in some cases)
- Embryo donation possible in New Zealand since 2005
- Please refer to The Advisory Committee on Assisted Reproductive Technology (ACART) guidelines for embryo donation in NZ
<https://acart.health.govt.nz/publications-and-resources/guidelines-and-advice-issued-ecart/guidelines-embryo-donation>
- Embryos being donated must be surplus to the needs of the couple who created the embryos and they must have used their own eggs and sperm. (Embryos created using donor eggs or donor sperm, currently cannot be donated, however this is under review).

Further legal aspects

- Embryo donation must be an act of altruism-donors cannot be paid
- Embryo donors can be someone you know personally such as family members or friends, or found through the clinic
- All embryo donations require a case by case application to the Ethics Committee on Assisted Reproductive Technology (ECART) for approval. Please see the ECART website for more details <https://ecart.health.govt.nz/publications-and-resources/application-forms>
- Once a donated embryo is transferred to the uterus of the recipient woman, the recipient (s) have all legal rights and responsibilities for that pregnancy/resulting child
- The recipient woman or recipient couple have no other legal process they need to complete. Their name (s) only on the child's birth certificate.
- Embryo donation births need to be recorded on the HART Act donor register-identifiable information available to the parent (s) from time of child's birth and available to the child when the child turns 18 years.
- Embryo donation means there could be full genetic siblings growing up in a maximum of two families (including the donor family).

Process and considerations for donors

- Couples who have completed their family or finished treatment can indicate to their clinic if they wish to donate remaining embryos.
- Advisable to wait to make any decisions until youngest child is at least 12-18 months old.
- Seek initial information and discussion with clinic counsellor.
- If decide to proceed, will need further counselling sessions, clinic medical appointment, and a legal consultation, as advised by the clinic, in order to complete an application to ECART.
- Medical history of donor and their families, age of donor woman when embryos were created, and the number and quality of embryos will be discussed in the medical consultation to ensure there is nothing to preclude donation.
- Embryo donors get to view non-identifying profiles of clinic recipients. If they select a recipient then the recipient gets to view the profile of the donor couple.
- If all parties happy to proceed, the counsellors arrange a joint meeting at the clinic between the donor couple and the recipient.
- Legal consultation undertaken
- Application submitted to ECART.
- If approved, consents signed and embryo transfers can begin for the recipient.

Some considerations for embryo donors

- Reasons for wishing to donate versus discarding
- Level of attachment to embryos-may differ for partners
- Important to take time to make decisions and to acknowledge the grief involved in your own fertility journey as well as in relinquishing the embryos
- Who would you like to donate to ideally? Any deal breakers?
- Relinquishment of control over the way a child will be raised
- Impact of the donation on the donors own children and even other family members
- Possible range of future relationships between the donor and recipient family-particularly the children
- Views on openness and information sharing (even during the time the embryos are being used)
- A common fear: “What will I say when the child asks why didn’t you have me yourself?”

Process and considerations for recipients

- Medical consultation with a fertility specialist to ascertain if receiving donated embryos is an appropriate option for you medically.
- Meet with clinic counsellor for more information and initial discussion of the implications of being a recipient of donated embryos
- If decide to proceed, then further counselling, and a legal consultation required as part of the ECART application process. Further medical or other specialist consultations may also be required.
- Clinic counsellors will facilitate Police vetting and request recipient to complete a non-identifying profile document
- Once selected by a donor couple, the recipient is then able to view the donor couples non-identifying profile and also obtain the embryology information relevant to the donation.
- If all parties happy to proceed, the clinic counsellors facilitate a joint meeting at the clinic with the recipient and donors.
- Legal consultation undertaken
- ECART application submitted and if approved, consent forms signed, embryo transfer plan medically confirmed, and recipient can commence using the donated embryos.
- If a recipient has public funding available, this can be used for the embryo transfers
- The recipients are required to meet the costs of the ECART application-this is not covered by public funding

Considerations for recipients

- Time to acknowledge and process the grief associated with building a family in a way that most likely wasn't your plan A
- Parenting a child/children not genetically related to you
- Hopes in terms of the donor couple/family-Any deal breakers?
- Number and quality of embryos being donated
- Thoughts around information sharing with the donors and future relationships
- Views on openness, especially with a child
- Impact on any existing child/children you may have
- Support from your wider network of family and friends

A few comments/observations

Embryo donation is complex emotionally and socially for both donors and recipients-it's not for everyone

Taking time to make the decisions around donating or receiving embryos and considering the long term implications is crucial

If there is a commitment to openness, information sharing, and building relationships, then embryo donation can be a wonderful way of building whanau for recipients, donors, and most importantly the children involved

Let's hear from the families!