

Baby Blues

Words by Syma Tariq

The London Women's Clinic
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Andy Bathie donated sperm to a now-separated lesbian couple, Terri and Sharon Arnold. Earlier this month Mr Bathie was forced by the court to pay maintenance to the couple because the law stated that he was the legal father of their child – despite his assertion that he was not involved in caring for the youngster.

The reporting of this case has highlighted the current flaws in legislation for lesbian and gay parents. Some media outlets, namely certain daily newspapers, have also used it as an excuse to attack lesbians directly. Same-sex parenting has received a lot of coverage since ministers started drawing up fertility reforms in November this year. These reforms, applicable to the Human Fertility and Embryology Act, would give equal parenting responsibility to each civil partner rather than to the birth mother and the biological father of a child conceived of IVF treatment. If the proposed reforms had been in place when Andy Bathie agreed to donate sperm to Terri and Sharon Arnold, he would not have been chased for the money when their son, aged four, was diagnosed with a disability and Terri Arnold, the birth mother, could not work.

Natalie Gamble, solicitor and associate with leading gay-friendly law firm Lester Aldridge LLP who is representing Mr Bathie, said: "At the moment, the law is ill-equipped to recognise same-sex parenting scenarios. Though lesbian couples can go through a process after the birth to acquire joint parental responsibility and to extinguish the Parenthood of any known donor, if they don't do so both sides are left unprotected. The law going through Parliament at the moment will go a long way to redress this, assuming it makes it through."

The proposals are currently facing wrecking amendments in the House of Lords. Commentators who defended Mr Bathie's right not to pay because of his alleged non-involvement contradict themselves by also questioning the ethics of the non-involvement of a father in the life of lesbian offspring. The usual anti-liberal camps have been fear-baiting, blaming lesbians for the destruction of "traditional" family values. The *Daily Mail* has been the worst offender, relishing in the potential sob story of a father after

it commented last month that lesbian parents were "grotesque and wrong." Ms Gamble said: "We've all been surprised at the extent of the media reaction. The *Daily Mail's* reaction makes me smile – last week they were saying that lesbians shouldn't both be treated as parents, and this week they're saying how terrible it is for the donor to be responsible instead!"

When it was revealed by Ms Arnold on national television that Mr Bathie, a firefighter from Enfield, north London, had played a role of father in the children's lives for at least two years, this straightforward morality tale was muddled, and raised the question: who is responsible? The separated status of the Arnolds prompted a *Times* columnist to write that, although gay parents are not necessarily bad parents, most of

their partnerships "do not last as long" as heterosexual couples. This sadly popular point of view is laughable – there has in fact been surprise at the lack of gay people rushing for divorce, and because of the newness of civil partnership legislation, a comparison of gay "marriage" to the longstanding institution of heterosexual matrimony is just not a fair one to make.

The case of Mr Bathie and the Arnolds, a sensationalised story because it involved lesbians, did not raise the simple issue of responsible parenting. With fostering and adoption agencies desperate for funds to deal with the rising numbers of abandoned children, and the large number of single parent families, the debate should focus on the legal enforcement of named parents to care for their children, not whether a lesbian or a straight man has more right to walk away from a child.

