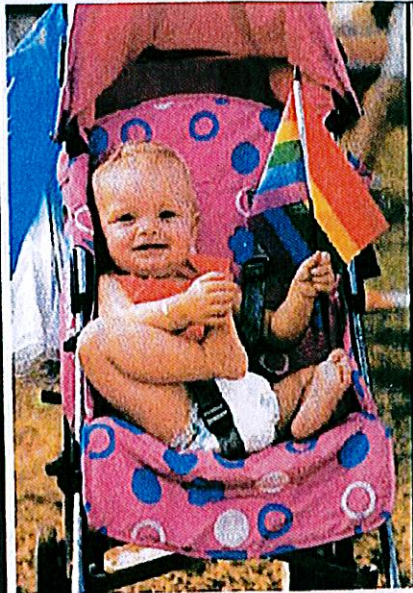


# BABY BOOM



Thanks to The Human Fertilisation and Embryology Bill, which has just passed its final reading in the Commons, creating a family if you're in a gay relationship will be easier than ever. Fertility solicitor Natalie Gamble, 'Hero of the Year' nominee at this year's Stonewall Awards, guides us through.

**A**s a solicitor specialising in fertility law, most of my clients are gay and lesbian couples, and it feels enormously rewarding to be able to help people ensure that their much wanted family is recognised and protected by the law. The possible scenarios for modern gay conception are seemingly endless, and I am constantly challenged by the weird and wonderful situations gay parents find themselves in. I have advised lesbian couples conceiving with clinic donors and with known donors (friends, family and sometimes even neighbours), in some cases involving one mother carrying the other's biological child. I have advised on co-parenting arrangements involving gay men, and involving gay couples where lucky children have two mums and two dads. And I have guided gay men (single men and couples) conceiving through surrogacy, both in the UK and, more commonly, abroad. I feel very much attached to all the families I have helped, and my team proudly displays all the baby pictures we have been sent from grateful clients over the years.

The world has come a long way in a short time, and this year has been a particularly momentous one. The newly passed Human Fertilisation and Embryology Bill 2008 (which should come into force in October 2009) will introduce significant new rights for gay and lesbian parents conceiving children together. Lesbian couples conceiving with donors will be able to record both mothers' names on the birth certificate. Gay men will also find it much easier to conceive through surrogacy, and ultimately will be able to obtain a birth certificate which makes them full and equal legal parents.

In many ways the new rights for gay fathers are the most significant change. The previous law made it very difficult for gay men to conceive through surrogacy because, after a surrogacy birth, the intended parents have to apply for a 'parental order' to achieve legal recognition as the parents, and same

sex couples are currently not eligible to apply. The lack of eligibility for the legal process also means that the main surrogacy agencies in the UK cannot currently help gay couples to find a surrogate, in practice making gay surrogacy in the UK almost unheard of. Though I have had a few gay men who have conceived through surrogacy in the UK with a friend or relative, the vast majority of the gay men I have helped have gone abroad for surrogacy, to countries like the US where surrogate mothers are easier to find. Foreign surrogacy is possible, if expensive, but the legalities can be enormously complex if things are not structured in the right way at the start. When grappling with immigration and citizenship issues as well as legal parenthood, you certainly need a lawyer who knows their stuff.

However, the Bill will make everything much easier. Gay men will be able to conceive a child with the help of a surrogate and then apply for a parental order after the child is born. It means that UK birth certificates will ultimately be issued in the names of two men.

I have to say I am surprised that there has not been more fuss about this aspect of the Bill, and I suspect that the vocal opponents of the rights for lesbian parents simply haven't twigged how significant the changes to the surrogacy rules are for gay men.

There has, in contrast, been enormous controversy over the new rights for lesbian parents. Lesbian couples will, in respect of children conceived with donors after October 2009, be treated as full and equal parents automatically and will be named (as mother and 'other parent') on the birth certificate. This is great news for most lesbian couples, who will no longer have to go through a lengthy adoption process to secure their position, and will be given automatic security that the donor has no claim over the child.

However, the new rules for lesbian couples will produce some unfortunate results for co-parenting situations, and this

is something gay men considering becoming a parent with a more limited role may want to be aware of. At the moment, a biological father who conceives with a lesbian couple will almost always be the legal father of the child (with all the rights and responsibilities that entails), but once the new law comes into force in October 2009, that will no longer be the case. If the mothers are civil partners, they will be treated as the legal parents, and the father will have no legal status. If the mothers are not civil partners, there may be some scope to choose between a father or a second mother, but a child will not be able to have both. The legal set-up for co-parenting arrangements is going to get even more complicated than it is at present.

The Bill's most controversial issue of all in relation to same sex parenting has been its proposed deletion of the requirement of fertility clinics to consider the child's 'need for a father' before giving treatment. Though this really just ensures there is no discrimination in the provision of fertility treatment and brings the law up to date with what has been practice for some years anyway, the proposal sparked a vocal backlash against same sex parents, first in the House of Lords and then in the House of Commons, where Iain Duncan-Smith described the proposal as "the last nail in the coffin of the traditional family".

I have been privileged this year to be able to defend these changes and, as a mum of two with my civil partner as well as a legal expert, it was an issue very close to my heart. My children are still too small to really understand all that has been happening, but I really hope as they get older they will be proud of me for standing up for our family, and for others like it. I am incredibly honoured to have been nominated by Stonewall as a Hero of the Year, and if I have made a positive difference to the votes on the new rights for gay parents, or just to people's concept of same sex parents, it is something I will be proud of until the day I die.