

Submission to
Ohio Senate Judiciary Committee

29 November 2022

SB228 & HB 64 – Ohio Fertility Fraud Bill



PO Box 207
Chelsea, Victoria
Australia, 3196

Dear Chairman Manning, Ranking Member Thomas and Committee members,

We thank you for the opportunity to present to the committee. We represent Donor Conceived Australia, (DCA), the peak body for donor-conceived people in Australia. We are a national, not-for-profit charitable organisation led by donor-conceived people offering support, education and advocacy on behalf of people conceived by Assisted Reproductive Treatments (ART) - including sperm, egg and embryo donation throughout Australia, as well as those affected by donor conception.

DCA advocates for consistent legislation in the area of donor conception, whether that be through state-based or federal laws in Australia. DCA is guided by the United Nations Convention on the Rights of the Child (the CRC) of which the USA is also a signatory. We are also led by the Geneva Principles on Donor Conception and Surrogacy which were provided to the UN Committee on the Rights of the Child by donor-conceived people on the 30th anniversary of the CRC and included a number of our Australian members, (Allan et al, 2019).

DCA advocates for a regulatory framework in which the rights of the child created are of paramount importance in all policy and practice relating to ART. This includes the right to identifying information about their origins, including donor and sibling linking services, regardless of when or where they were conceived.

DCA provides support for over 500 donor-conceived adults across Australia and information about accessing their differing rights to access information about their genetic heritage and family across 6 states and 2 territories, depending on where they were conceived. We support victims of fertility fraud and have recorded evidence of this occurring in Australia in the past, (Dingle, 2021). This practice is now illegal in Australia.

Fertility Fraud is an incredibly concerning practice that, although it has been occurring for a long time, has only just become more open to people within our community with the recent availability of direct-to-consumer DNA testing. No doubt, many of these doctors assumed they could get away with their deeds when no one had a way to find out. Victims of these crimes, both mothers and donor conceived offspring are members of our organisation and also throughout the United States are incredibly traumatised by the lack of trust that has occurred in this relationship and, along with the trauma that donor conception brings to the table, these people suffer extra trauma and concerns about their identity that they should not have to go through.

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Many of these victims are still either unaware or unable to speak up for their rights, and so we, as an advocacy group speak for them, and request that you vote to support this bill and join Texas, Indiana, Colorado, Florida, Arkansas, Arizona, Utah, Kentucky, California and Iowa who have already legislated against this heinous crime. There is no way this should be allowed to continue. Please legislate against this practice to support those who have suffered from this crime and as a deterrent to doctors who consider committing this crime in the future. We need to protect the vulnerable patients and unborn donor conceived people of the future.

We write to ask you to vote in support of HB 645, a bill that makes fertility fraud illegal in Ohio, as an amendment to SB 288, the criminal sentencing bill. The bill received unanimous bipartisan support in the House Criminal Justice Committee and has been thoroughly vetted and amended to strengthen its provisions. It is not only supported by numerous victims of this disgusting crime, but by US Donor Conceived Council, and the Ohio Prosecuting Attorneys Association.

Yours sincerely



Aimee Shackleton
National Director

 [+61 412 933 334](tel:+61412933334)

 donorconceivedaustralia.com.au



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