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BRINGING UP BABY

BIRTH CERTIFICATES NAMING TWO GAY DADS ARE NOW A REALITY IN THE UK. **NATALIE GAMBLE AND LOUISA GHEVAERT** – FOUNDING PARTNERS OF ONE OF THE UK'S LEADING SPECIALIST FERTILITY LAW FIRMS – **GAMBLE AND GHEVAERT LLP**, EXPLAIN THESE GROUNDBREAKING LEGAL CHANGES.

There is definitely an art to building a family as a gay man. Times are changing, and the UK's new gay-friendly surrogacy laws are just one example of the options now available.

As of 6 April 2010, an important legal change now enables gay men to apply for a court order making them the joint legal parents if they have a child through surrogacy. The court will trigger the re-issue of their surrogate child's birth certificate so that it names them as the parents. It means that gay dads who have a child through surrogacy can now use the UK's surrogacy laws to become full and equal legal parents – and get a birth certificate to prove it.

If you are thinking of building a family through surrogacy, it's important to get to grips with the legal issues right from the start. Finding a surrogate mother in the UK is definitely easier than it used to be for gay men, but the law is restrictive and you need to take care not to commit any criminal offences. Some people consider going abroad, where more liberal laws can make it seem easier to find a surrogate mother. Wherever in the world you conceive, you need to make sure you

understand how the law applies (both abroad and at home), what legal process you have to follow and, if you are conceiving abroad, how to get your child home safely.

But all that is step two, and surrogacy isn't the only possible option for building a family. For gay men, there is an obvious biological hurdle to overcome in the baby-making process, so how to make a family is the first question. You'll need to decide whether to build your family through co-parenting, to adopt or foster, or to brave surrogacy either at home or abroad. Each option is very different, and making an informed choice is key.

Take for an example

Paul, a successful graphic designer, who has decided he wants to become a dad, and wants his own biological child. Paul has been seeing Mark for two years and is thinking of moving in with him. What are his options and where should he go from here? Paul could co-parent with a female friend, or consider surrogacy in the UK or abroad. There is a lot to think about understanding the fertility sector, working out how to find a surrogate or co-parent, getting a grip on the fertility treatment options and tackling the legal issues.

So, what exactly does Paul need to think about?

The first thing to get clear is whether Paul wants parental autonomy or whether he is happy to share parenting (and if so how much involvement he wants). He also needs to think about the impact of his baby-making plans on his relationship with Mark and factor Mark's thoughts into the

equation as well.

Paul then needs to think about the practicalities. He will need to find a co-parent or a surrogate mother, and then make arrangements to conceive. There is a wide range of family building services in the UK, including licensed fertility clinics, help with conceiving at home, parenting websites, charities and not-for-profit organizations, which all play a different role in the process. And that's just here – there are also a whole range of overseas services.

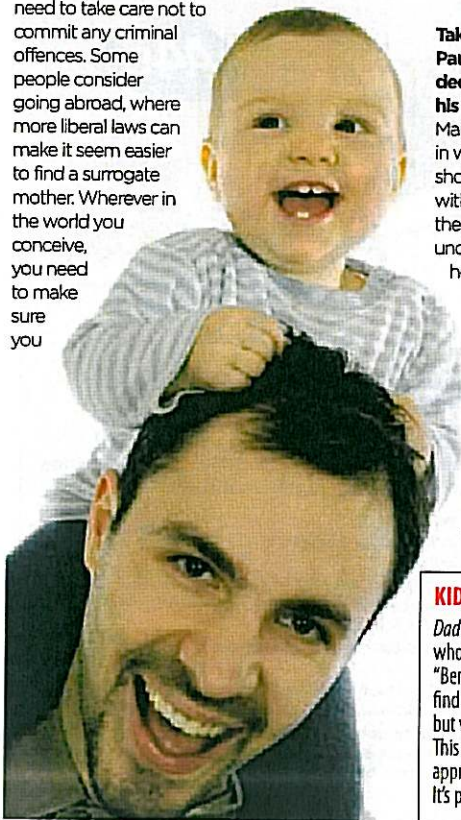
Once Paul gets as far as arranging conception, understanding the different fertility treatment options is important. Knowing the difference between IVF, IUI, ICSI, straight or host surrogacy, is important so explore the options at the outset so that

medical help and support can be put in place. Paul shouldn't be fooled into thinking that everything will be legally straightforward. Building a family through assisted conception can create a legal minefield and the law isn't always logical. He needs to make sure he understands the legal status and rights he will have, as well as issues of citizenship (if his child is born abroad) and the importance of making specific provisions in his will.

Having a family is no longer the preserve of straight couples. Times have changed and, with recent improvements to the law, there are now more options than ever to build a family and become a parent as a gay man. You just need to know how to go about it in the right way.

Natalie Gamble and Louisa Ghevaert provide expert legal and family building advice to those creating families, and can be contacted on 0844 357 1602. www.gambleandghevaert.com

HAVING A FAMILY IS NO LONGER THE PRESERVE OF STRAIGHT COUPLES



KID'S STUFF

Dad David, Baba Chris and Me is a newly-published children's book about an eight-year-old boy who lives with his adoptive gay parents.

"Ben lives with his two dads who adopted him when he was four. Children at his junior school find out and tease him. Ben is worried as he doesn't want to be different from everybody else... but what does 'different' mean?"

This charming and affirming picture book for young children encourages understanding and appreciation of same-sex parents, as well as showing that families come in all shapes and sizes. It's published by BAAF Adoption & Fostering, priced £8.95. www.baaf.org.uk

