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OLD LESSONS FOR A NEW WORLD: Applying Adoption Research and Experience to Assisted Reproductive Technology

Policy & Practice Perspective

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Executive Summary

Adoption and assisted reproductive technology (ART) have much in common; most significantly, both processes are used to create families in which the child is not genetically related to one or both parents. Similarly, adoption and ART policy and practice must balance the sometimes-competing rights and interests of the parties involved, whether they are gamete providers, recipients and donor-conceived offspring, or birthparents, adoptive parents and adopted persons.

ART refers to a range of artificial methods used to achieve pregnancy. This report focuses on those ART services that result in a child who is not genetically related to one or both of the intended parents as a result of sperm, egg, or embryo donation, as these situations most closely parallel adoption.

While adoption has needs for continued research and professionals are still striving to improve its policies and practices, it has a far longer history as a means of family formation than does ART. Adoption has been the subject of more extensive studies and experience, and it has evolved as greater knowledge has been developed about its implications for everyone it affects. Most pointedly, some processes that once were embraced as positive have been found to undermine the best interests of children and families, so evidence-informed policies have taken – and continue to take – their place.

ART has a relatively short history and, as a result, there has been less time to learn about its impact on children, donors, recipients, and newly created families. Evidence-informed practices and policies from the adoption world – developed as a result of research and refined by listening to the voices of adopted persons and birth and adoptive parents – offer guidance applicable to ART. Lessons from adoption could benefit adults who use ART, individuals who provide gametes or act as gestational surrogates, professionals who provide services and, most importantly, children born through reproductive technologies involving donor gametes.

The Adoption Institute published its initial examination of ART in 2000, in the fourth volume of its “Ethics in Adoption” book series; the subject was also part of the Institute’s national conference (cosponsored with Ethica) on Ethics in Adoption in October 2007. The Institute plans, over time, to continue examining a range of issues relating to adoption’s lessons for ART – as well as the implications of those technologies on adoption itself. In this new report, we will focus more narrowly on areas in which ART policy and practice might be strengthened through the application of relevant knowledge derived from decades of adoption research and experience.

Just as there are questions about the use of some words in the adoption world (such as birthmother), some terms in ART also raise issues. Specifically, men and women who provide their gametes for use by others in assisted reproduction are typically called “donors,” suggesting that they – like organ donors – do not receive compensation. In reality, most sperm and egg providers are paid for their reproductive cells and their time. Nevertheless, since the word “donor” is commonly used in the ART world and in public discussion, for clarity it is also sometimes used in this report.

Key Findings

The research in this report leads the Adoption Institute to five principal findings:

- The problematic effects of secrecy and of withholding information – on adopted persons, birthparents, and adoptive families – offer insights for ART policy and practice related to the circumstances of a donor offspring’s conception, disclosure of medical and other background information, and the identities of those involved.
- The child-centered focus of adoption provides a vital perspective for placing greater attention on the children conceived through ART.
- Adoption has knowledge to share concerning the creation of “nontraditional” families, particularly as more single, gay, and lesbian adults use ART.
- ART and adoption can mutually benefit from examination of the impact of market forces (including the costs of services and the potential commodification of the individuals involved) on the ethics and quality of services provided.
- The legal and regulatory framework for adoption provides a model that ART can utilize to inform its standards and procedures.

Recommendations

Based on those findings, the Adoption Institute makes these recommendations:

- *Access to Personal Information and Maintenance of Records.* Children born of ART should be able to learn the circumstances of their births, as well as their biological and medical backgrounds. To ensure that this happens, the U.S. should join Great Britain and other countries in mandating that donor-conceived offspring be given access to this information at age 18, and practice models should be implemented for ART practitioners to provide for such disclosure. The U.S. also should establish a national database to collect, maintain, and facilitate access to information enabling gamete providers to routinely update the medical, historical, and other information they supplied at the time of donation.
- *Development of Best Practices to Serve All Parties.* To develop best practices for ART, further research should identify more clearly the similarities to and differences from adoption in serving the interests of everyone involved, most importantly the children. Counseling should be provided to all participants in ART akin to that in best-practice adoptions, including improved informed-consent procedures for gamete providers and recipients and post-birth counseling to support families in giving relevant information to their donor-conceived children.
- *Research Regarding the Experiences of Those Served.* Research drawing from relevant adoption lessons should be conducted to expand professional and participant understanding of the experiences of all members of assisted-reproduction families – including those headed by gay, lesbian and single parents – and to gauge the extent to which services are available to adults wishing to utilize ART.
- *An Assessment of the Impact of Market Forces.* In order to create more constructive, ethical practices, the market forces affecting adoption and assisted reproductive technologies – supply, demand, costs and income – should be analyzed to develop a better understanding of how they influence decision-making by gamete providers, birthparents, recipient families, and prospective adoptive families.

- *Development of Legal Frameworks.* States should enact legal and regulatory frameworks for ART, based on model legislation and research, as well as on the experiences of other states and nations, to promote ethical practices and provide protections for gamete providers, intended parents, and offspring.

Taking these steps could help ART progress from its current state – of achieving the medically possible – to providing research-informed practices that focus more attention on the long-term medical, psychological and social needs of those it serves.