

Daddy or Donor?

The Family Court of Australia declares sperm donor to be a “parent” for the purposes of the *Family Law Act 1975*.

Nicholes Family Lawyers recently represented the Applicant sperm donor in Family Court of Australia case, *Groth & Banks [2013]*¹, where it was successfully argued that it was in the best interest of the child for the Applicant to be declared a “parent” of the child born as a result of artificial insemination procedures for the purposes of the *Family Law Act 1975*.

The Applicant, who agreed to donate sperm to his former partner on the basis that he would be involved in the child’s life as a father, was found to be the progenitor and parent of the child due to the specific facts of the case and the inherent inconsistencies between the Commonwealth *Family Law Act 1975* and the Victorian *Status of Children Act 1974* in circumstances where a single woman conceives a child using donor sperm.

*Groth & Banks [2013]*² not only reinforces that the “best interests of the child” is the paramount consideration in Family Court of Australia cases; it also solidifies that children have the right to a relationship with both of their parents despite whether their parents are a heterosexual couple, a same sex couple, separated parents or have entered into a co-parenting arrangement in relation to donor conceived children.

Whilst *Groth & Banks [2013]*³ may have an impact upon single women engaging in artificial insemination procedures using donor sperm, Nicholes Family Lawyers is pleased that the Family Court of Australia recognises that in this day and age, there are many different types of family structures and that the Family Court of Australia’s overriding priority is the best interests of the child.

¹ FamCA 430 (11 June 2013).

² Ibid.

³ Ibid.