

Review of the Draft Children and Civil Status (Amendments) (Jersey) Law

Dear Panel,

I have some questions/notes for the review of the Draft Children and Civil Status (Amendments) (Jersey) Law 202-.

I am happy for my name to be used, but I am adding my comment personally, not from the Gov LGBTQ+ network as I have not consulted with them regarding my questions.

Personally, this law being passed will mean a lot to me and my family. But I have some questions – just where perhaps the law doesn't feel as fair as in other places, or where I haven't been able to clarify an answer myself from reading through the law.

My response to the listed numbered points within the report accompanying the draft law are detailed below:

10. How will the law protect same sex couples, surrogate parents, or couples using donor sperm/eggs from the donor travelling to Jersey and requesting parental responsibility from the courts? Is this, or will it be, covered under an equivalent to the Human Fertilisation and Embryology Act 2008 in UK?

How will the law protect parents having a child through surrogacy? If a donor (not one of the parents) requests parental responsibility, or if the surrogate mother requests parental responsibility? Is this or will it be covered under an equivalent to the Human Fertilisation and Embryology Act 2008?

11. How will the law's protection work for parents of a surrogate child or for single parents having children through fertility treatment?

12. Unless the father is registered as such, should he be automatically registered, just because a couple are married? What if they are separated but still married, or what if the married man is not the father? Shouldn't the parent be present at the Register of Births to register as parent? Their relationship should/could be confirmed at time of registry. To protect the child and to hold information for the child – the person registering as a parent should be in attendance.

46. What if the mothers cannot afford to get married, or pay for clinical insemination, and still have a child together, perhaps by home-based means? Why should being in a better financial position define somebody as a legal parent? I understand that this is a complicated question – but currently same sex couples are not provided any financial help to have a baby, so there is high potential of someone trying to have a baby by 'home based' means.

83. This should be done; will this be organised in time or the law coming into place? In this instance, there should be equal rights regarding this parental order for two fathers, to having two mothers on a birth certificate. Two men in a same sex relationship should have this right too, the surrogacy system should apply this, as I believe the adoption process does?

I'd like to thank the Ministers and Deputies who have pushed the law forward, and I support the passing of the law ASAP (I see it is to be debated on 19th March).

Thanks for your time.

Kind Regards,

April Fosse-Burch (She/Her)