

A guide for gay dads



LOTTERY FUNDED

Produced by Stonewall
www.stonewall.org.uk/parenting
Registered Charity No. 1101255

In partnership and sponsored by
The London Sperm Bank
www.londonspermbank.com
and The Big Lottery Fund

Welcome. Gay men often play an important part in their families as brothers, sons, uncles, nephews and godfathers. Gay men also provide love and support for the children in their extended families. But many gay men are also, or want to be, dads to children.

Whether through adoption and fostering, or biologically fathering a child, gay men who want to be dads can be. But the decisions you'll have to make can be complex. This is why Stonewall, with the kind support of The London Sperm Bank and The Big Lottery Fund, has produced this guide.

This comprehensive guide tells you everything you need to know about becoming a dad. It also provides information about your rights if you're a dad or have caring responsibilities. Finally it will point you in the direction of further expert advice and support to help you during the process.

We hope this guide will help you on your exciting journey to fatherhood.

Ben Summerskill
Chief Executive, Stonewall

The most important questions Deciding to be a dad is not a small decision. The first and most important questions you need to ask are why you want to have children and what differences it will make to your life. Are you ready to have children? Are you ready to make the necessary changes to your life to enable you to have a child? Do you have a partner? What does he think? And how do you want to go about starting a family? This guide will help you answer some of those questions, and more that you've probably not thought of yet.

The different ways of becoming a dad Stonewall has produced this guide to help you through the process of becoming a dad. Each section explains a different way to become a dad – adoption, co-parenting, surrogacy, sperm donation and fostering. It also includes crucial information about your legal rights as a father and some top tips, many from gay dads themselves, on being a dad.

Glossary

Artificial insemination – Any means by which an egg can be fertilised using sperm other than through penetrative sex. This can be done at home or in a licensed clinic.

Birth mother – The woman who gives birth to a child including surrogates and women receiving donated eggs.

Biological father – The man who has genetically fathered the child. This is a different concept from legal parenthood.

Donor (known) – Someone donating eggs, sperm, embryos or other material whose identity is known to the person(s) receiving the donation.

Donor (unknown) – Someone donating eggs, sperm, embryos or other material whose identity is not known to the person(s) receiving the donation. If conception takes place at a licensed clinic in the UK, the donor's details will be stored on the Register of Information, currently held by the Human Fertilisation and Embryology Authority. If the donor donated after April 2005, his or her identity will be available to the donor conceived person from the age of 18.

Foster carer – Someone who fosters children but does not hold parental responsibility for the child.

Legal parent – A legal status relating to issues such as inheritance, nationality and financial responsibility in relation to a child. Legal parenthood is distinct from parental responsibility, although legal parents do sometimes automatically have parental responsibility.

Parental election forms – Forms that are used at a licensed fertility clinic if the birth mother is not married or in a civil partnership. They nominate, only with the birth mother's consent, who is to be considered a second parent to the child. Parental election forms give the second parent legal parenthood but parental responsibility is only obtained by being listed on the birth certificate or through the Court.

Parental order – An order issued by the Court to the intended parents of a surrogate child which extinguishes the legal parenthood of the surrogate mother and, if she has one, her partner and reassigns legal parenthood and parental responsibility to the intended parents.

Parental responsibility – A legal status giving the authority for someone to make decisions about a child's care, whether or not they are also a legal parent. Parental responsibility can be acquired by being the birth mother; by being married to or in a civil partnership with the birth mother; by being named on the birth certificate (if you are a legal parent), by entering into a parental responsibility agreement with the child's legal parents (though only certain people can sign these) or by court order.

Prospective adopters' report – A report compiled by a social worker recommending whether an individual or couple are suitable to adopt.

Sperm donor – A legal status for men donating sperm who are legally considered to have relinquished responsibility for any child conceived using their donation. A man can only be considered a sperm donor if he does not have penetrative sex with the recipient of the donation.

Surrogate mother – A woman who has a baby with the intention, from before conception, of relinquishing legal parenthood of the child. A woman can only be considered a surrogate mother if the child is conceived using artificial insemination and not conceived through penetrative sex.

Contents

1 Adoption

- How to adopt 4
- The law and adoption 7
- Your stories 8

2 Fostering

- How to foster 10
- Who's the parent? 11
- Your stories 12

3 Surrogacy

- Finding a surrogate 14
- The law and surrogacy 16
- Your stories 18

4 Co-parenting

- Becoming a co-parent 20
- The law and co-parenting 21
- Your stories 23
- Who are the parents? 24

5 Donating sperm

- How to donate sperm 27
- The law and sperm donation 28
- Your stories 29

6 Being a dad

- Children from a former relationship 31
- Coming out to your kids 32
- Your stories 33
- The law and being a dad 35

7 Further resources 36

A guide for gay dads

1 Adoption

There are around 4,000 children waiting to be adopted in the UK at any one time. Gay men, either individually or in couples, are allowed to adopt in the UK. Like all potential adopters, gay people must meet strict criteria to be allowed to adopt. The sole guiding principle for adoption agencies is now to do what is in the best interest of the child. Being gay is not, in and of itself, a barrier to adoption.

How to apply to be considered for adoption

All applications for adoption in the UK must go through an adoption agency. You apply to an agency to be part of a pool of potential adopters, and if approved you will then be available for consideration by agencies seeking adoptive families to match with a child.

The process is proportionately extensive and thorough and will take several months. Before placing a child with a family, for life, everyone involved has to be confident that you can provide a loving and supportive home for that child.

You (and your partner if you have one) will be assessed both together; and individually. This is exactly the same process for heterosexual couples, single people and gay couples. There are extensive resources available to help you which are listed in the further resources section of this guide.

Choosing an adoption agency You must choose an adoption agency. There are two main types of adoption agency:

- Local authorities, either your local authority or one elsewhere
- Voluntary or independent adoption agencies

A list of adoption agencies can be found on The British Association of Adoption and Fostering's website (www.baaf.org.uk). Whichever you choose you'll go through the same extensive process. As you will work with an agency for the duration of the process it is important that you choose one you feel comfortable with.

You may feel apprehensive about choosing an adoption agency. There have been some reported cases of adoption agencies with religious affiliations refusing to handle gay adopters. This is now completely unlawful. Agencies cannot discriminate against adopters for being gay because the interests of the child must now always be put first. It's good, however; if before choosing an agency you look into:

- Whether they have dealt with gay adopters before
- Whether they have specific information on their website for gay adopters
- The findings of their latest Ofsted report
- Whether they are members of Stonewall's Diversity Champions good practice forum for employers
- Whether they are members of New Family Social a support group for gay and lesbian adopters

Adoption

In contacting an agency you're not committed to working with them. When you first make contact with an adoption agency they will send you an information pack and invite you to an information meeting, usually within two months. When you do choose an agency you will complete your formal request to be assessed. If your agency accepts your request, they will then allocate you a social worker.

Proving you're a suitable candidate

You'll be invited to a series of group preparation sessions where you will meet with a number of other applicants to learn more about the children in need of adoption and the processes involved. This gives you plenty of opportunity to find out about adoption and how it might affect you. If you still wish to proceed you will then be visited at home by your social worker.

Through the application process you will need clearly to demonstrate that you can provide a loving and stable home for a child and meet their individual needs. You will be asked a lot of questions by your social worker during the process covering why you want to adopt and what you can offer a child. Your social worker will also visit you (and your partner) at home approximately ten times to assess both your home environment and your potential for parenthood. The process is known as home study.

As part of their questions to help them understand what you can offer a child and how your experiences may make you a good parent, your social worker will ask you questions about your past relationships, family relationships and other personal matters. This is entirely normal. It's important that you be open and honest with your social worker and are frank about how you feel your experiences have made you a better prospective parent.

The entire process is very in-depth and many potential adopters feel sensitive about the personal nature of some of the questions. This is an entirely natural response. If you feel that you're being asked inappropriate questions or if you feel that your social worker has demonstrated negative attitudes towards you because you are gay, you should first ask your social worker the relevance of the questions they are asking. If you do not feel that your social worker addresses your concerns you should contact the adoption agency. You will have already been given details of the agency's complaints process. For more information on how to make a complaint please visit www.stonewall.org.uk/info

You will need to provide at least three referees that your social worker can talk to face-to-face. In some cases your previous partners will be contacted for interviews. You will need to have a medical conducted by your own GP. This is to ensure that there are no known health issues that might prevent you permanently caring for a child.

The social worker will collate all the information he or she records into a Prospective Adopters Report and you have ten days to challenge anything that you disagree with in the report before it is finalised.

After the home study and all the required forms and checks are filled in and carried out, you will be invited to attend an adoption panel meeting. At this meeting the panel will decide whether or not they want to recommend you to the agency as a good candidate for adoption. They will ask both you and your social worker a number of questions.

Adopting a child from overseas It is very difficult, though not impossible, to adopt children from abroad. The British government requires a number of criteria to be met for inter-country adoption to take place. There are also many extra measures that must be taken by the intended parents.

First, you should talk to an adoption agency that is certified for inter-country adoptions. Consult the Department for Education website and contact the Foreign & Commonwealth Office to find out more details before engaging in any adoption process abroad. It is important to note that not all countries will consider applications from gay applicants.

What happens if I am turned down?

If you are not approved to be an adopter you can appeal to the agency or apply for an independent review. The review will look at the case and send a recommendation back to the agency which will then make the final decision. You should ensure that you know exactly why your application was rejected, especially if you believe that you were turned down on the basis of your sexual orientation. Try to get the explanation in writing if you can. If you are rejected, you still have the right to apply to a different agency.

Success! What now? Once you've been approved to be an adopter your social worker will begin the task of searching for an appropriate child. Your adoption agency will tell you what happens next. For more information visit www.baaf.org.uk

Did you know?

- Gay and lesbian adopters are more open to adopting older children and sibling groups
- Gay adopters are often more ethnically mixed as couples
- In England in 2007-2008 80 same-sex couples adopted children
- 2% of the 3,200 children adopted in England during the year ending 31st March 2009 were under 1 year old
- 72% were aged between 1 and 4 years old
- 23% were aged between 5 and 9 years old
- 3% were aged between 10 and 15 years old

The law and adoption

The Adoption and Children Act 2002 and the Adoption and Children (Scotland) Act 2007 allowed same-sex couples to adopt jointly in England and Wales. Any unmarried couple, including a same-sex couple, can now apply to be considered for adoption as long as they can demonstrate that their partnership is an 'enduring family relationship.'

Rights for your partner Now that it's legal for same-sex couples to adopt jointly, it is much easier to secure parental rights for your partner. If you adopt as an individual, your civil partner can either apply for parental responsibility or adopt your child at a later date.

Adoption leave and pay As a gay man you have the same rights as heterosexuals to adoption leave and Statutory Adoption Pay, however; both partners in a couple will not receive the same benefits or amount of leave. You will, as a couple, need to decide which of you is to be considered the primary caregiver.

The primary caregiver will receive Statutory Adoption Pay, paid either by his employer or the state for up to 39 weeks, and adoption leave for up to 52 weeks. The partner of a primary caregiver is eligible for two weeks paid leave.

To be eligible for both Statutory Adoption Pay and adoption leave you and your partner must have been employed by your employers for at least 26 weeks prior to the beginning of the week you are matched with a child. In order to access these rights you'll need to provide your employer with written proof that you are adopting.

You are allowed to start taking your leave either from the day your child moves in or up to 14 days before you expect him or her to arrive. You need to discuss with your employer when you plan to take your leave and notify them of any changes at least 28 days in advance. If you leave your job for any reason, the primary caregiver will still be eligible for Statutory Adoption Pay – as long as you don't start working for another employer.

International adoption cases have slightly different rules for adoption leave. The UK agency you use for the adoption should provide you with this information.

Your stories...

Aaron and Lewis's story

We are a couple in our early 40s who have been together for 19 years. We originally approached our local authority but we were told that they would not be able to place children with us because we were geographically too close to the area the children would come from. We then approached a neighboring authority and attended their information evening in February 2008. We had done a lot of preparation before approaching the authority. We had read books on attachment issues, one of us had already given up work, we had made alterations to our home to best accommodate the family we wanted and one of us had become a governor at what is now our children's school.

Our initial home visit by a social worker took place in April to confirm our residency and other basic issues. In July we attended the first of four all-day preparation courses. In August we were allocated an assessing social worker who did eight visits to our home which looked at every aspect of our life, experiences, expectations and attitudes.

We completed many pieces of work such as chronologies of our lives from birth to present including all residences, jobs, schools and significant events, our typical day, our story, descriptions of who we are from each of our perspectives, a pet questionnaire, financial disclosure form, safety checklist for the home, family tree and eco map, as well as attending legal evenings and full medicals. All this work provided the

material for our final assessment and was completed in six months. We were approved as adopters by the independent panel in March 2009.

In May 2009 we were first approached to consider the two children we came to adopt. They were placed with us in December 2009, an unusually long wait and were legally adopted by us in June 2010. We have two children, our son is seven and our daughter is five. It is most definitely the best thing we have ever done.

Our journey has been very enjoyable and we believe this is largely due to the research we did before we approached our adoption agency, the many books we read about children, the childcare experience we undertook and looking at the whole process of assessment as something that we needed to 'manage'. All of this, we believe, is essential to ensuring the positive, sustainable outcomes that adoptive parents and families want. We have good days and bad days but there are many more good days than bad and every day is amazing.

Peter's story

My partner and I are currently going through the process of adoption. We have been approved to adopt and are currently in the middle of the matching process.

We looked into various options when we first started thinking about having another child two years ago. We got very excited about surrogacy but that never really happened.

It's been a fantastic experience. You learn so much about parenting through the preparation course and it's a great experience. It is fantastic what you learn through this course that you wouldn't have the opportunity to learn if you chose any of the other routes. To prepare ourselves for the adoption process my partner and I both did voluntary work with children.

I would recommend that potential adopters enjoy it. Realise that even though sometimes it's daunting you'll get there in the end. I see people getting really pent up about everything. Just relax and make sure you forge a good relationship with your social worker. You have the option over which adoption agency to use so weigh those choices up before making your decision.

I think it's important for potential adopters, gay or straight, to realise that you're probably not going to get a baby and the child you get is going to have some amount of need due to their experiences. However, I think people tend to forget that that can happen anyway. The needs your child will have are unknown, whether you adopt them or are biologically related.



2 Fostering

Fostering takes a significant commitment but many gay men find it incredibly rewarding. Children in the care system have often experienced neglect or abuse and foster carers need to be patient and able to offer significant support to children and young people. You must also accept that the role of foster carer is a temporary one.

How to apply to become a foster carer

Gay men can foster children either as individuals or as couples in England, Scotland and Wales.

Choosing an agency Just as with adoption, you will need to choose a fostering agency. Many agencies deal with both fostering and adoption. There are two main types of fostering agency:

- Local authorities
- Voluntary or independent agencies

A list of fostering agencies can be found on the British Association of Adoption and Fostering's website (www.baaf.org.uk). Like adoption, you will go through an extensive process prior to receiving approval to be a foster carer. Your primary consideration should be to find an agency near where you live. Many fostering agencies will only work with foster parents within a certain area. This is to minimise the disruption caused to children in your care.

There are many things to think about when choosing a fostering agency. As you will work with an agency for the duration of the process it is important that you choose one you feel comfortable with. Before choosing an agency, you may want to find out:

- Whether they have any other same-sex foster families on their books
- The findings of their latest Ofsted report
- Whether they are members of Stonewall's Diversity Champions good practice forum for employers
- What support you can expect from them – do they have a 24 hour support line? What can you expect from their link worker?
- The training they offer
- What the process for getting placements is
- What local authorities use them

Once you have submitted an application to an agency they will assign you a social worker.

Types of foster care There are quite a few different sorts of fostering arrangement and you should be clear about what you can offer:

- **Emergency:** an arrangement that occurs when children need a safe place to stay right away, often until their court case is heard or whilst under police protection
- **Short-term:** children stay with a foster carer for a period of time – sometimes up to two years – until decisions are made about their futures by the Court
- **Long-term or permanent:** occurs when it is unsuitable for the child to be adopted. The child stays with the foster family until he or she reaches legal adulthood
- **Remand fostering:** when a young person is remanded by the Court and sent to a specially trained foster carer
- **Short breaks:** regular arrangement used by parents of disabled children or those with behavioural or developmental problems where the child visits another family so their parents or normal carers can have a break
- **Kinship:** when a child is cared for by family or friends – people he or she already knows
- **Private:** when parents arrange for their child to be cared for by someone who isn't close family or the child's parent for more than 27 days. The local authorities must be notified of this arrangement as it is a legal requirement that they check up on the child's welfare. If you fail to do so you may be liable to prosecution

Proving you're a suitable candidate

Similar to with adoption you will be appointed a social worker who will assess you on whether you can provide a stable home for foster children. Your agency may provide you and any members of your household with in-depth training; however many agencies will only offer this after you've been approved as a foster carer. It will give you details about the fostering system, about the challenges that children going into foster care often face and about how to manage being a foster carer.

As part of their questions to help them understand whether you would make a good foster parent, your social worker will ask you many personal questions. This is entirely normal. It is important that you are open and honest with your social worker and frank about how you feel your experiences have made you a better prospective foster carer.

The entire process is very in-depth and you may feel sensitive about the personal nature of many of the questions. If, however, you feel that you're being asked inappropriate questions or if you feel that your social worker has demonstrated negative attitudes towards you because you are gay, you should first ask your social worker the relevance of the questions they are asking. If you do not feel that your social worker addresses your concerns you should contact the fostering agency. For more information on how to make a complaint please visit www.stonewall.org.uk/info

Your social worker will make a full report to a fostering panel who will decide whether or not you are suitable to be a foster parent. This panel will pass on their recommendation to your agency for them to make a final decision and notify you in writing. Often this approval has conditions or guidelines, and these will be sent to you along with your approval.

Fostering LGB youth If you're interested in fostering lesbian, gay or bisexual young people, there are organisations like The Albert Kennedy Trust (based in Manchester and London) who specifically offer this service. You can foster as an individual, couple or a family and must be over the age of 21.

The Trust looks after young people who cannot live at home, are living in a dangerous environment or who are having a crisis. See www.akt.org.uk for more information.

Who's the parent?

Foster carers do not have parental responsibility for the children they look after. In a normal fostering situation the legal parents and the local authorities share parental responsibility, so as a foster carer you will have to work closely with them.

Special guardianship recognises situations where it is not possible for foster children to live with their legal parents again. Special guardians generally share parental responsibility for the child with the legal parents.

Your stories...

Robert's story

The assessment process was very long, over a year, and involved a lot of visits, checks and training. The training was excellent and I enjoyed it. It was very clear that our first placement really needed somewhere safe to stay, people who would keep an eye out for him now and again and be supportive if requested. He is still in contact with us and in fact when he does contact me it is because he knows he can rely on me as someone to talk to and support him who believes in him.

When it does get tough, stick at it. Decide why you're doing this, and how you are intending to support the young person and in what ways. This way you can understand your strengths and weaknesses that you have to work on. Be prepared to be wrong, and handle it gracefully and with respect. Try to know when you are vulnerable to making bad judgements and don't be afraid to share these with someone you can trust.

James's story

My partner and I chose to become carers for the Albert Kennedy Trust (AKT) because this would allow us to have a family environment and parenting responsibilities but without turning our whole lives upside down. We had numerous visits from AKT social workers as part of the selection process. We were asked a lot of searching questions about ourselves and our own upbringing.

Much of this part of the training was about talking through issues and scenarios that could arise with having a young person in the house and how we would handle these kinds of situations. We then had a few days of formal training, with lots of other prospective carers, about looking after young people from challenging backgrounds or who are experiencing a lot of emotional turmoil.

Early on I think I probably underestimated the size of the commitment that we were getting into. Homeless young people, by definition, come from challenging backgrounds and it may take time to find anything out about the person that's suddenly living in your home. Tackling behavioural issues with a difficult teenager can also be very hard work and a bit unnerving at times. It's an emotional roller-coaster, with down days as well as up days.

However, overall, the fostering experience has been a very positive one that has brought a huge amount of challenge and variety to my life and allowed us to give something positive to the world and make a huge difference to the lives of some very disadvantaged young people. I would recommend it to anyone who has enough time to give to another person, a lot of patience and a spare room in the house.



3 Surrogacy

Surrogacy is the process by which a woman has a baby with the intention of relinquishing her parental rights to an intended parent or couple. In the UK there are very strict laws relating to surrogacy. It is unlawful for any individual or organisation to charge to help you find a surrogate or help you reach agreement with a surrogate. It is also unlawful for you to advertise that you are looking for a surrogate mother. If you want to have a child via surrogacy you should seek specialist legal advice.

Types of surrogacy There are two different types of surrogacy: traditional surrogacy and gestational surrogacy. Both of these are legal in the UK, but neither are legal if they involve a commercial payment.

- **Traditional surrogacy** In traditional surrogacy, the child is genetically related to the surrogate mother – she can become pregnant through home self-insemination or with the aid of a fertility clinic, using the sperm of one of the intended parents. Traditional surrogacy tends to be cheaper than the host method because it does not necessarily require assistance from a fertility clinic – unless you want help with insemination of sperm.
- **Gestational surrogacy** In gestational surrogacy, the surrogate is not genetically related to the child. Instead an embryo that is prepared in a fertility clinic using the sperm of one of the intended parents and a donated egg is implanted into the surrogate mother. With gestational surrogacy you have greater control over your child's maternal genetic material as you can choose the egg you use.

How to find a surrogate

You'll need to find a surrogate mother. However, if you want a gestational surrogate you will also need to find an egg donor.

Where do I find a surrogate? In the UK it is illegal to advertise for a surrogate mother. This can make it difficult for people to find a surrogate and can make it tempting for people to travel abroad where laws covering finding a surrogate are less strict.

If you decide to go abroad for surrogacy, it is critical that you take specialist legal advice in both your home and destination country as very serious complications can arise in relation to your child's nationality status, immigration rights and the payment of anything other than reasonable expenses. It is not a case of 'opting in' to a foreign system of law which may be more liberal than surrogacy law in the UK. If you go abroad for a surrogacy arrangement you must ensure that you comply with UK law as well.

In the UK, there are organisations like Surrogacy UK and COTS that can help potential surrogates and intended parents to come in contact with each other. Surrogacy agencies in the UK only act lawfully if they are non-profit making.

Where do I find an egg donor? There are a range of options for you to find an egg donor. You can either seek a known donor or an unknown donor. Given the medical procedures involved, egg donation can only be done through a fertility clinic. Fertility clinics have a responsibility to ensure that egg donors are not paid anything other than limited expenses.

A known donor is someone you know who is willing to donate one or more of their eggs to help you conceive. In a surrogacy arrangement you may wish for one partner to donate sperm and a close relative of the other partner to donate eggs. This will mean the child has a genetic link to both partners.

An unknown donor is someone you do not know whose eggs you have secured via a fertility clinic. In the UK there is often a waiting list for people wishing to use donated eggs. Some gay men seek treatment abroad where donor eggs may be more readily available. You will however need to confirm with any foreign clinic whether they can help with a surrogacy arrangement. You should also take care to check the rights to information about the donor you and your child will have in later life, since the rules are often very different from the rules in the UK.

Anyone who donates eggs or embryos in the UK after 1 April 2005 is able to be contacted by any resulting child, if the child wants to, once they reach the age of 18. Donations before this were anonymous.

How do I choose a surrogate? The first thing to remember is that the choice is both yours and the surrogate's. They have to be happy with you as well as you with them.

When choosing a surrogate for your child, the most important things to ensure are that the woman is healthy and is physically able to carry your child to full term and that she is someone you feel confident in and happy to work with. Make sure you ask about any medical conditions she might have, especially if you have chosen traditional surrogacy because these could be passed on to your child. It is a good idea for you to visit her GP together to discuss her medical history and how this may affect the surrogacy.

How do we conceive? Conceiving with a surrogate can happen through artificial insemination at home or artificial insemination at a clinic. If you conceive through sexual intercourse the law will not classify your arrangement as a surrogacy, and this may make it difficult for you to secure your position as your child's parents. You, your partner and your surrogate will need to discuss what method you wish to follow. Using a fertility clinic is likely to incur costs whilst artificial insemination at home can sometimes prove complicated.

For information on the different methods of conception read Stonewall's *Pregnant Pause*. Copies can be obtained from Stonewall's Information Service (08000 50 20 20) or downloaded from www.stonewall.org.uk/publications

Surrogacy agreements In the UK, surrogacy agreements are not legally binding. Please note that it is unlawful for a lawyer, or other third party, to be involved in drawing up a surrogacy agreement in the UK on a commercial basis.

Courts will always act in the best interest of the child, regardless of what the surrogate and intended parents agreed beforehand, and will automatically consider the surrogate mother the legal parent of the child.

You should seek legal advice if you are considering a surrogacy arrangement. Everyone involved in a surrogacy agreement should also update their wills in case anything happens before a parental order is obtained after the birth.

Payment UK law expects you to pay no more than reasonable expenses to your surrogate mother. There are, however, no strict rules as to what constitutes reasonable expenses since it depends on the facts of your particular situation. Reasonable expenses typically includes maternity clothes, loss of earnings, travel, medications and vitamins and other expenses which are related to the pregnancy.

During the surrogacy Once the surrogate is trying to conceive it is important that she doesn't have unprotected sex with her husband or partner. If she does, it may be difficult to determine that you are the parent.

The law and surrogacy

Under the Human Fertilisation and Embryology Act 2008, the birth mother of a child born through a surrogacy arrangement is always considered the legal parent until this is changed by the Court. Even if you have used an egg donor and the surrogate mother is genetically unrelated to the child, she will be named on the birth certificate as the child's mother.

If the surrogate is married or in a civil partnership, her partner or husband will automatically be considered the child's other legal parent even if you are the child's biological father. Other than in certain rare circumstances, it is not usually possible for the surrogate's husband or civil partner to refuse their parental status, even if they do not want to be treated as a parent.

If your surrogate is unmarried, the biological father will usually be considered the legal father at birth. If you conceive through a fertility clinic you will need to complete the forms to nominate the second parent. It is possible for the non-biological father instead of the biological father to be nominated if consent is given.

Becoming a legal parent – parental orders

Parental orders confer full parental rights upon the intended parents and extinguish those of the surrogate, and her husband or civil partner. They are designed to be a streamlined process especially for surrogacy situations which are an alternative to adoption. Parental orders are made by the Court and can only be made with the consent of the surrogate mother and her partner. After the order is granted, the birth certificate will be reissued with yours and your partner's name.

Surrogacy

Before 6 April 2010, only heterosexual married couples were eligible to apply for parental orders, but since then gay couples have also been allowed to apply, whether they are civil partners or not. You must, however, be in a relationship in order to apply for a parental order – you can't apply alone.

You must apply for a parental order within six months of birth and you have to meet a number of conditions to be awarded an order. You should seek specialist legal advice to help you obtain a parental order.

- The child must have been conceived artificially (this includes home insemination)
- You and your partner must be over 18 and in a civil partnership or an enduring family relationship
- One of you must be genetically related to the child
- One of you must be domiciled (a complex legal concept which does not simply mean where you live) in the UK, Channel Islands or Isle of Man
- The child must be living with you when applying for a parental order
- The surrogate mother and the child's second legal parent must fully consent to the order. Your surrogate mother cannot give valid consent until the child is six weeks old
- You cannot have paid your surrogate any more than reasonable expenses unless, exceptionally, you have court authorisation

What do I do if the surrogate wants to keep the baby?

In the UK, surrogacy agreements are not legally binding, and you will not be able to obtain a parental order from the Court unless your surrogate agrees.

However, in the very rare situations in which a surrogate has changed her mind, the Court has shown sympathy to the position of intended parents, and it may be possible to secure your position by other means, although this will depend on the Court's view of what is in your child's best interests and there are no guarantees.

Parental leave Paternity leave is only applicable to men who are legal parents of children or who are in a relationship with the birth mother. Maternity leave is only available to the birth mother:

In a surrogacy arrangement this will mean that you will only be able to obtain statutory paternity leave if you are considered a legal parent. If you're not then neither you nor your partner is automatically able to obtain the statutory two weeks paternity leave. As you are not adopting the child, as intended parents you will be unable to apply for adoption leave

Many of Stonewall's Diversity Champions, a good practice forum for employers, have inclusive leave policies for their employees which enable anyone who is considered primary caregiver for a child, regardless of how that child is conceived, to take a set amount of leave. You should approach your employer to see whether their leave policy is inclusive.

Your stories...

David and Marcus's story

Marcus and I originally considered adoption but we wanted for at least one of us to have a genetic link to our children so surrogacy was the logical choice.

Research and more research was our first step. It is extremely important that you understand how the new laws work for yourself and don't rely on clinics or organisations to understand the law. There is no substitute for reading, researching and asking as many questions as you can.

While we wanted to go through surrogacy rather than adoption we wanted to do it in the most ethically sound way possible. The UK with its altruistic rather than commercial approach to surrogacy legislation was aligned with our personal values. We found our surrogate through Surrogacy UK which we chose due to their 'friendship first' approach. We were concerned that it would be difficult to meet someone who was willing to help us. We couldn't have been further from the truth.

There are some unique challenges that arise for a same-sex couple going through surrogacy. For example how do you decide who the father is going to be without it adversely impacting on your relationship? With that in mind learn as much as you possibly can from every possible resource and keep the lines of communication open within your own partnership and with other couples gay or straight.

Matt and Simon's story

We found an organisation COTS to help us. We registered our details and they sent them to surrogates. A surrogate selected us and we were then sent her details. We liked her so we met up and the relationship developed from there. We decided to go ahead with the 'agreement' and started inseminations. This would entail the usual pot and syringe at her house.

The laws regarding this can be quite complicated, all we would recommend is to read as much information as you can. Importantly, once you have decided that you would like to have children stop questioning yourself and over analysing it. Just go with the flow.



4 Co-parenting

Co-parenting is where two people agree to conceive a child and raise a child together even though they are not in a relationship. Each person may have their own partner so it is possible that a child has more than two parents or carers. In the UK however a child can only have two legal parents even if more adults are involved in their up-bringing.

Many gay men, either as individuals or in a couple, choose to enter co-parenting arrangements with single female friends or lesbian couples. Entering co-parenting arrangements is entirely lawful. You may not necessarily be a legal parent to the child however. That depends on the relationship status of the woman you conceive with, and how you conceive the child.

How to go about co-parenting?

Who do I co-parent with? As you will be raising a child with your co-parents it is important that you choose to enter this arrangement with someone you know, trust and feel you can raise a child with. It is for this reason many gay men choose to co-parent with close friends.

Some women who want to co-parent may advertise so you can look in classified adverts online. However, co-parenting is only advisable with people you know and trust.

How to conceive? Children born to co-parents can be conceived either through penetrative sex, using artificial insemination at home or artificial insemination or IVF at a clinic. You, your partner and your fellow co-parents will need to discuss what method you wish to follow.

How you conceive can impact on your rights and whether you are legal parent to the child will depend on the circumstances. For example, if you have sex with a woman, you are automatically the legal father of any child born as a result even if the birth mother is in a marriage or civil partnership. However, if you donate sperm, either at home or through a fertility clinic, the legal position is more complicated.

For information on the different methods of conception read Stonewall's Pregnant Pause. Copies can be obtained from Stonewall's Information Service (08000 50 20 20) or downloaded from www.stonewall.org.uk/publications

Co-parenting agreements Co-parenting agreements set out how a child will be raised and each co-parent's roles and responsibilities in relation to that child.

Co-parenting agreements are not legally binding but they are still valuable in helping you and your fellow co-parents establish whether you have similar approaches to raising children and gain an understanding of what each of you expect from the arrangement. Agreements will also help in setting out how the law governs your status and rights. A lawyer can assist you in drawing up an agreement.

Structure is extremely important for children when they are growing up. It teaches them discipline and stability and allows them to feel safe and comfortable to express themselves. Co-parenting agreements are valuable in providing a structure for your child's life. You and your child's co-parents need to agree on who looks after your child, who pays for what, how the child will be raised and what type of education they will receive. It is best if the child has the same guidelines and house rules in both of his or her homes so that they don't get confused about what they are or aren't allowed to do.

In any co-parenting agreement you should consider:

- **Practicalities:** Where will the child's primary residence be? How much time will each parent spend with the child? Will you have more than one child together? How will you decide what the child's name and surname will be?
- **Legal considerations:** Who will be the legal parents? Who will apply for parental responsibility and how will they do it? How will you protect the status of any co-parents who do not have legal responsibility (for example through your wills)?
- **Financial responsibilities:** Who will pay for what and how will expenses be divided between co-parents during the pregnancy and throughout the child's life?
- **Discipline and rules:** Who's in charge? How will you make sure your child receives consistent parenting and discipline?
- **Parenting:** Will the child be brought up in a faith? How and where will your child be educated? Who will attend parents' evenings?
- **Changes:** What happens if one of the couples splits up? What happens if someone dies? What if one of the co-parents or co-parenting couples wants to move abroad?

The law and co-parenting

Who are the parents? A child can only have two legal parents. Being a legal parent is significant when considering issues such as inheritance, nationality and financial responsibility in relation to the child. This means there are specific legal implications for people entering into co-parenting arrangements.

However, any number of people can have parental responsibility for a child.

Parental responsibility Parental responsibility gives a person the authority to make decisions about a child's care (whether or not they are also a legal parent), for example in relation to medical care and education. Additionally it is often needed to make practical arrangements for a child such as enrolling them in school or registering them with a GP.

There are different ways of acquiring parental responsibility, including by being named on the birth certificate, by entering into a parental responsibility agreement with the child's legal parents (though only certain people can sign these) and by court order.

Many people have a say in their child's care without obtaining parental responsibility or being a legal parent. However, obtaining parental responsibility is a way to gain legal recognition from the Court of your role in your child's life while they are under 16.

The birth mother The birth mother of the child will always be considered its legal parent and she will always have parental responsibility. This can only be removed if the child is later adopted.

The birth mother's partner If the birth mother is in a civil partnership or marriage, her husband or partner will automatically be considered second legal parent of the child, unless it is proved that he or she did not consent to the conception. A husband or partner will automatically have parental responsibility.

If the birth mother's partner is involved in the co-parenting arrangement and intends to act as a parent, it is not usually possible for her partner to 'opt out' of being a parent. Therefore a birth mother cannot choose to name the biological father on the birth certificate instead.

If the birth mother is in an unmarried relationship, she can nominate her partner as the child's second parent if she conceives at a fertility clinic in the UK and signs the correct forms before conception.

The biological father Whether you will be treated as the child's legal father depends on the birth mother's situation and how the child is conceived. If you conceive through sexual intercourse, you will be the legal father. If you conceive artificially (at a clinic or at home) then your situation depends on the birth mother's situation.

If the birth mother is married or in a civil partnership you will not be the child's legal father, and cannot be named on the birth certificate. This is because a child can only have two legal parents and the law says that the birth mother's civil partner or husband is the second parent.

If the birth mother is neither married nor in a civil partnership, there may be different options available. If you conceive at home, you will be the legal father and can be named on the birth certificate if the birth mother agrees. If you are named on the birth certificate you will have parental responsibility.

If you conceive at a licensed fertility clinic, the birth mother can choose who is the second legal parent. This could be the birth mother's unmarried partner, you or your partner. The birth mother and the nominated second parent have to sign the paperwork correctly before the child is conceived.

If you are the legal father, you will have parental responsibility automatically if you are named on the child's birth certificate. If you are not named on the birth certificate you can acquire parental responsibility later by signing an agreement with the birth mother or by court order.

Partners of legal parents If the birth mother is unmarried and not in a civil partnership, and you conceive at a fertility clinic, it may be possible to nominate the non-biological father as to the child's second parent.

However, assuming that you are not the legal father (because you are the partner of the legal father), you will not be a legal parent. It may be possible for you to acquire parental responsibility and there are two ways of doing this, depending on your circumstances.

If you and your partner are civil partners and your partner is named on the birth certificate, you can sign a parental responsibility agreement with your partner and the birth mother to give you parental responsibility. This is a straightforward process.

If you and your partner are not civil partners, or if neither of you is a legal parent, you cannot sign a parental responsibility agreement to acquire parental responsibility.

It may be possible to acquire parental responsibility by way of a court order called a residence order.

What happens if there is a break-up?

The legal parenthood of the child will remain unchanged if there is a break-up. The parental responsibility of any parties in a co-parenting agreement will continue after a break-up unless it is contested in court.

Disputes over raising the child Any co-parenting agreement should cover the major decisions to be made over a child's life and how it is to be raised including how you intend to resolve disagreements. If there are disagreements then you should try to reach calm and considered compromise and continue to act in the best interests of the child.

If the parties involved cannot reach agreement, they can seek legal advice to help negotiate a compromise between them or in order to ask the Court to make a decision based on your child's best interests. The Court is able to make the following orders in this regard:

- A residence order determines which parent or parents the child will live with
- A contact order determines the amount and nature of the contact the other parents have with the child
- A specific issue or prohibited steps order can be used to resolve a specific problem or stop one of the parents from taking a certain action relating to the child

Some people are entitled to apply to Court for these orders; others (including many non-parents without parental responsibility) will need to ask the Court's permission to apply.

What happens if someone dies? It is important to think about what would happen to your arrangement if any of you were to die. Who should then have the primary care of the child? How will this affect the status quo?

You should therefore ensure that your will takes account of the child, since they will not have any automatic rights of inheritance from co-parents who are not legal parents.

Your stories...

Malcolm's story

A lesbian couple who had been friends of ours for many years were also thinking about starting a family and for some time we had made comments to each other about both wanting children. They were also interested in the idea of co-parenting and the benefits it brings of extra parents. We discussed all sorts of aspects of parenting and found that we had very similar attitudes. We drew up a contract of what to expect and what our roles would be and how we would handle finances etc.

Both the biological mum and I went for various tests and spent three months taking supplements and living healthily. We did DIY home donor insemination so the process cost us nothing. Our son's birth went well and having him was a great experience for everyone.

We spend a lot of time all together as a family. Parenting together has deepened our friendships and we are family now as well as friends. We are considering trying for a second baby next year.

Our son spends regular nights at my flat and I have dropped my working hours to four days a week to spend a weekday looking after him. His mums have both done the same and he goes to nursery on the remaining two days of the week. We only rarely need to refer back to the agreement that we made but it is there in case we need it.

It's a good idea to not rush into things and to get to know people and become proper friends with them before making such a big decision. A written agreement is a good idea to

make sure that you all know what to expect and what you have agreed, but when the baby arrives it is most important to just get on with it and do what's best for the baby. Your role is to be a good parent to the child but also to be a good co-parent for the other parents, supporting them as best you can.

Julian's story

We wanted to share childcare duties 50/50, but since we didn't want to live together, that just proved to be unrealistic and impractical. I still look after our daughter 2-3 days a week. My little girl's mum now has a partner who lives with them, so things have continued to change in our family. 'Change' is a constant occurrence once you become a dad. You can lose a bit of that sense of being master of your own destiny; your kid starts to shape a lot of your choices about work, socialising or whether your boyfriend is right or not for your family.

Dennis' story

Reconciling being gay and wanting to be a dad was a major issue for me. I'd always loved kids and the possibility of not being a parent was a major source of unhappiness. I can't quite remember when I decided that I wouldn't let it stop me but I do remember the relief when it dawned on me that I could still be a dad.

For me being a biological parent was really important but I never really considered surrogacy. It was never really an option because of the fact that I really wanted my children to have a full and proper relationship with their mother and I wasn't in a relationship with anyone to share

the huge demands of being a parent with. For me it was really clear from the beginning what would work best: an extended family where I would be daddy to my children and share the emotional and financial responsibilities with a lesbian couple. The children would live with their mums but I would have lots of contact with them. I'm a lucky man – I now have three beautiful children in the extended family that I'd dreamt of.

It's not been without its challenges. Different expectations inevitably arise between different people – it happens between all couples but when there are three parents the dynamics can be more complicated. But the written agreement we spent a year drawing up covering everything from the names of the children, to contact and money has been vital. I would recommend anyone who goes down our route to draw up an agreement.

We spent a year talking about the prospect of being parents and how it would work together. We spent that year essentially dating but without the sex: getting to know each other, our families and our friends. I would advise anyone else to do the same. It is really important to establish which values you share, which ones are different and how you reconcile those differences before and after any children are born.

I see my kids twice a week and regularly have weekends away with them to give their mums a bit of a rest. I don't know how two parent families cope!

Who are the parents?

We're conceiving at home

Is the birth mother married or in a civil partnership?



The birth mother and her husband or civil partner will both be considered legal parents. You (the biological father) and your partner will not be legal parents. You will need to seek legal advice on obtaining legal status and make wills benefitting your child.

We're conceiving using a clinic

Is the birth mother in a marriage or civil partnership?



The birth mother will be legal parent. Her husband or civil partner will be the second legal parent. You may be considered as a donor. You (the biological father) and your partner will not be treated as legal parents and will need to seek legal advice on obtaining legal status and make wills to benefit your child.

Have you signed parental election forms nominating you as second parent at a licensed clinic in the UK?



Are you listed on the birth certificate?



You will be legal second parent and will have parental responsibility and financial responsibility for the child. Your partner will need to seek legal advice on obtaining legal status and make a will benefitting your child.

Co-parenting

You (the biological father) will be considered legal parent alongside the birth mother. You will have parental responsibility if you are named on the birth certificate (and you need to attend the birth registration with the birth mother to do this). Your partner will need to obtain parental responsibility and to make a will benefitting your child.

Have the birth mother and the nominated second parent (which may be her partner) signed parental election forms at a licensed clinic in the UK nominating them as parents?

no

You may be considered as a donor, which means you will not be a legal parent and will not have parental responsibility.

yes

You will be the legal father and will be financially responsible for the child but you will not have parental responsibility (unless later acquired). You and your partner will need to seek legal advice if you wish to obtain parental responsibility and your partner will need to make a will benefitting your child.

The person listed on the parental election forms will be financially responsible for the child but will only have parental responsibility or legal parenthood if they are also listed on the birth certificate. You or your legal partner may be able to be listed on the birth certificate, granting you legal parenthood and parental responsibility. You and your partner will need to seek legal advice on obtaining legal status and make a will benefitting your child.



5 Donating sperm

Sperm donation is an altruistic act that allows lesbians, single women and couples who have fertility problems the chance to have children of their own. Thousands of British women every year are unable to have children because of a widespread shortage of sperm donors in the UK. Many gay men choose to donate sperm for other couples to have children.

You may want to donate sperm completely for the use of anonymous couples who need donations. Alternatively if you're using a fertility clinic to conceive your own child you may want to donate some of your sperm sample for other couples to use. Gay men have told us that there are a number of reasons they donate sperm for the use of other couples. They include:

- They want to help couples who want children but cannot conceive
- They want to ensure they have a 'genetic' legacy without having to raise a child
- They could access fertility clinic services at a discount rate if they donated sperm
- They used donated eggs to have a child and wanted to make a sperm donation 'in return'

Making a donation

There is a shortage of sperm donors in the UK and sperm banks are keen to make the process as streamlined as possible. To ensure the sperm donated is healthy and that you understand the consequences of making a donation you will have to apply to become a sperm donor.

Some clinics, like the London Sperm Bank, allow you to register to be a sperm donor online. As part of your application you will be asked questions about your health, age, family history, your understanding of the consequences of donating and your availability to make donations and speak to the clinic's counsellor. They will then contact you about setting up an appointment with the clinic.

Sperm banks will turn down your application if they believe you to be engaging in high risk sexual behaviour. You will be required to donate sperm over a significant period of time and they need to feel confident of the health of your donations. All donations however have to be stored for a minimum six months to ensure they are healthy before they are used.

You'll be invited to visit a clinic to be tested for a number of infections and will be approved if your sperm is free from infection. There will usually be a minimum number of donations that you agree to make, often around 20. Some clinics require that you make appointments for these donations, while others allow you to pop in whenever you want. You will be asked to abstain from sexual activity for three days prior to each donation to ensure that you produce a good sample. Six months after your last donation you will be tested again for sexually transmitted infections. If you are free from infections your donations will be cleared for use.

The law and sperm donation

Anonymity Any child conceived using your sperm donation will be able to request your contact information when they turn 18. The recipients of your donation – the parents – will not receive any information that could identify you. The relevant authorities will notify you before any of your information is released.

Payment It is unlawful for a sperm bank to pay people for their sperm donations. They are, however, allowed to reimburse you for your reasonable expenses and loss of earnings for your time at the clinic.

Who will be considered parent? Sperm donors are not legally recognised as the child's parent, even if that child contacts you in the future. You will have no legal or financial responsibility for any child that is conceived using your sperm through a licensed UK clinic. You will have signed a consent form which in effect renounces any responsibility towards subsequent children conceived using your donation.

If you are entering a co-parenting arrangement or donating to someone you know, the legal situation will be different. See the co-parenting or surrogacy chapters for more information.

For more information about donating sperm, visit the London Sperm Bank's website at www.londonspermbank.com

Your stories...

Trevor's story

I had friends who'd been trying for so long to have a baby that they'd already started adoption proceedings, and then, after so much trying, she became pregnant naturally. But it made me think how important children are. Pregnancy is not as easy to achieve as you might think.

I found it important to talk about why I was doing it and since the counselling I've been much more open about it and feel I can speak more freely. We discussed the implications of anonymity at the counselling sessions I got at the sperm bank but I didn't see it as an issue. If someone does eventually want to meet you, you'll be meeting an adult. That's quite different from looking after a child or being a parent. I can see that it might deter an 18 year-old student from being a sperm donor, but it makes little difference to me. Of course, I've thought about it, that someone might knock on my door in 20 years' time but it wouldn't really be my child, it would be an adult with a biological connection to me.

What's more important to me is that I'm a sperm donor for altruistic reasons, to help couples like my friends who can't have babies. It's not a question of payment or worrying about parental responsibilities. If you can do it, and you're in a position to do it, why not?

Graham's story

My sister and her husband tried for a long time to have a baby, but when she finally did become pregnant, she miscarried. It was just devastating for everyone. I felt it very deeply.

It certainly made me think about the future and it put things in perspective. Eventually, my sister and her husband were treated at a fertility clinic, and now I have two nieces – the first was born following fertility treatment nine years ago. So I know what an effect childlessness can have.

It doesn't just affect the couple, but ripples out to all the family. So being a sperm donor was one way of helping. I asked myself how I could help.

The new anonymity laws don't bother me. When they're 18, I'll be 59. I've read that those who search for a biological father will be counselled through the process, so I expect it will be done in a responsible way. The way I see it is that I've simply helped someone else to have a baby.

Laurence's story

I can't say that being a donor would be right for everyone because people's views and situations in life are massively different. However, I feel certain that my decision to be a donor will be a positive experience for all concerned. Everything I have experienced so far has been positive.

I would like to say that the staff at the London Sperm Bank could not have been more down to earth, informative and helpful when it came to the various stages required to be a donor. The donor bank team in particular were friendly and open, which I think are important qualities when dealing with the personal aspects of becoming a donor or recipient.

If you are thinking of becoming a donor and are not sure whether it is the right thing for you, I would firstly advise you to always make your own decision. Family and friends will always be divided on the issue but everyone knows in their heart of hearts the right decision for them.

I would secondly suggest chatting to the donor bank team at the clinic and maybe sitting in the waiting room for an hour or so and watching the couples anxiously awaiting their first meeting with the doctor. Putting a real face on the people that you will be able to help might just guide you to a decision.



6 Being a dad

As a dad your experiences will be similar to other parents. There will be many happy and wonderful moments as well as many tantrums and sleepless nights. Fear not, it is all worthwhile. You may be concerned about how your child will be treated for having a gay dad (or two) and maybe even some lesbian mums. Feeling protective over you children is entirely natural.

Stonewall has worked hard to ensure that gay men can have children. We also continue to work to ensure that you can raise children free from homophobia and discrimination.

Some people claim that having gay parents will have a negative impact on a child's development. Unfortunately you may encounter people who share these views. There is, however, no reliable evidence that indicates having gay parents has a negative impact on children. On the contrary, research has shown that children of gay parents have the same standard of upbringing as those with heterosexual parents.

Children from a heterosexual relationship

Many gay men have children already. You may either have been or are currently in a heterosexual relationship. You may be considering legal issues – how to end your relationship, assigning custody and residency and dealing with financial responsibilities to the children – and emotional aspects such as coming out to your children.

What do children of same-sex parents say?

Research by the University of Cambridge for Stonewall in 2010 found that the children of same-sex parents have the same standard of upbringing as those from other families. Children of gay parents aged from four to 27 were interviewed about their feelings and experiences of having same-sex parents and this is what they had to say:

I say that I have two dads and my friends are fine with it, and then they tell me about themselves. **Joseph, 9**

I don't think there is a sort of general stereotypical family anywhere really. I think you get to know anyone's family and there's all kinds of weird quirks and interesting things ... **Megan, 23**

My little sister said to me: 'I've got two parents who love me. It doesn't matter if they're a boy or a girl.' And to be honest I think that's the best answer anyone could ever give. **Hannah, 16**

It makes me different and everyone looks at me like, oh she's got the gay dad, how cool ... My story's special so it makes me special, in a good way. **Lauren, 17**

Well we still do things together, and we're still a big family and we're still happy ... and we still care for each other and we're still there when someone needs someone. **Jasmin, 8**

I was a bit worried about telling my friends in the first place just in case they did say anything but when I told them they were like ... Is that it? And they really didn't mind about it and it was like all ok really. **Luke, 14**

Top tips on coming out to your kids

- Make sure you are confident and positive when you tell them and that you do so in a relaxed and calm atmosphere. The less you make of it, the less they will think it is something to be upset about
- Tell your child in a private area where the conversation can't be overheard
- Make sure you tell your child, rather than letting them find out from someone else
- If possible, try to include your child's other parent(s) in the discussion. Your child will be reassured if he or she can see that all parents are supportive
- Stress that your relationship with your child will not change in the light of you coming out. Make sure they know that you love them and that you are just the same as you were before
- If you are considering separating or divorcing from your wife, don't tell your child both pieces of news at the same time. It may overwhelm them
- Let them know that they are no more likely to be gay just because you are
- Talk to your child in age-appropriate language. Children understand love and affection
- Make sure they understand what you are comfortable with them telling people at school and in the playground. Explain that there are lots of different types of families but respect your child's wishes on this topic. If they don't want to tell their classmates or friends, that's okay
- Listen to your child and try to understand what their concerns are, if they raise any
- Make sure your child knows that you are happy to talk to them about this topic. Different children take different amounts of time to come to terms with change, and so it's important for them to know that there is no pressure for them to respond in a particular way. Also, try to keep the conversation open
- Talk with them about sexual orientation in general. Many gay parents use this as a starting point for coming out to their children
- Try to provide opportunities for your child to talk to other people with gay parents. This could be through LGB family networking groups or even through online message boards

Your stories...

Callum's story

My son was 13 and my daughter 11. We collected them from school. We sat in the sitting room and I said 'I've realised something about myself. This does not affect me being your father, it's about me. I've realised that I'm gay. I love you both very much and that will never change.' Before I'd gone any further, my son put his arm around me and said: 'I love you Daddy.'

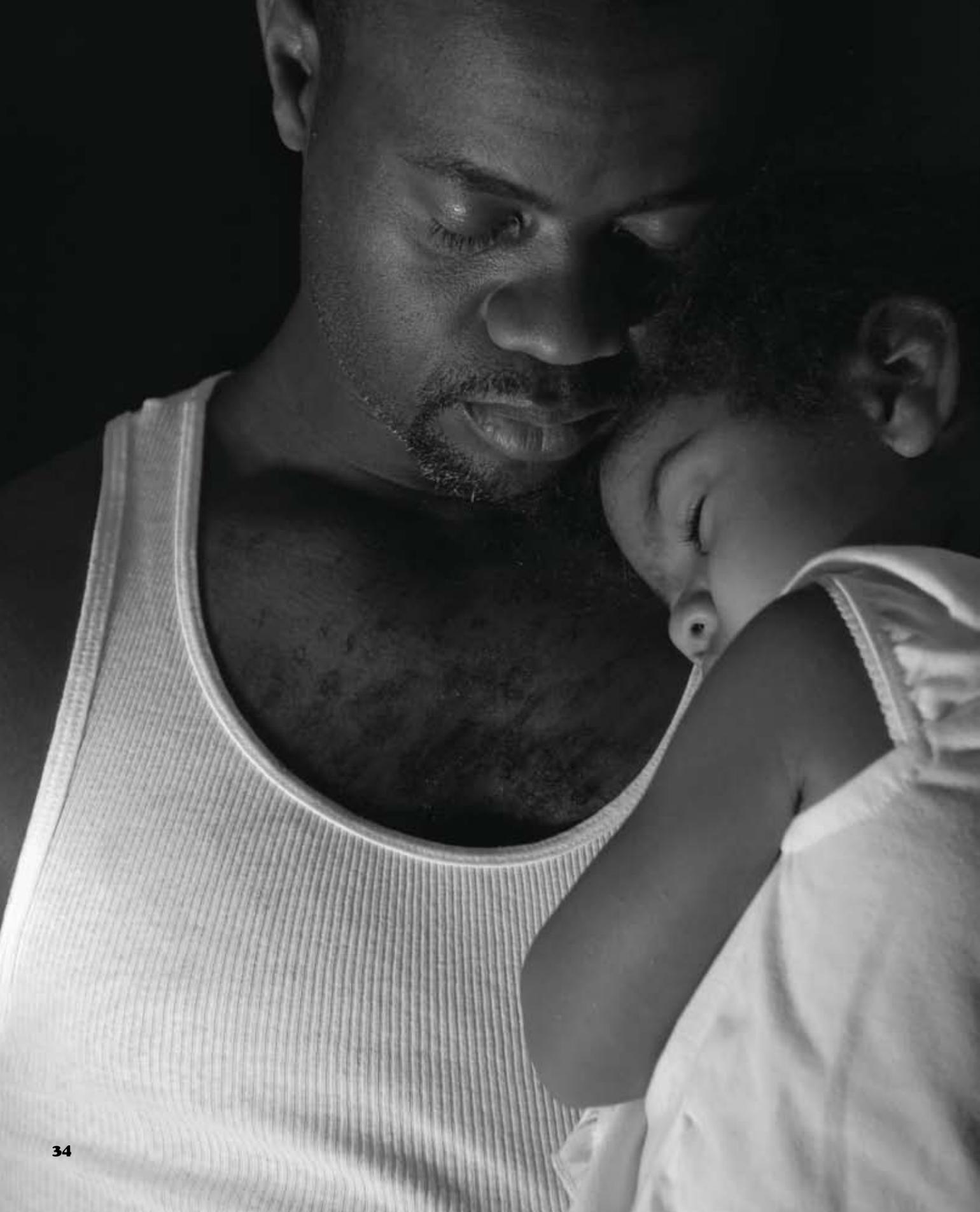
A few days later I said to them that if I couldn't be truthful about who I am then what example does that give them to live by. A few years later they both told me they remembered those words.

Imran's story

I separated from my wife six years ago after I came out to her. Our three kids were aged between six and ten at the time. Following the split, my ex-wife and I were both agreed that we should tell the kids but had different opinions on timing. We sought counselling on how to talk to them and learnt all families and children were different and that we would find our own path to discussing it with them successfully. Counselling brought my ex wife and I together to talk through and agree what we were going to say, when and how in a mediated environment. It also gave my ex-wife an opportunity to ask questions and air frustrations that cleared the air before we went on to talk to the kids.

We had two kids in primary and one in secondary school and I spoke to both schools first. I took my eldest son out for a meal and told him that I wanted to tell him why his mum and I had split up, and did so. I then told his younger brother. Both older kids had understood what I had told them and I kept the explanation relatively straightforward. A few weeks later I told their six year old sister. I was concerned she would be too young to understand, but we discussed it and I knew she had grasped it.

Kids are much more mature than we sometimes give them credit for. Kids want to know that you love them and will be there for them, that their lives won't be turned upside down and that you're happy.



The law and being a dad

Under the Equality Act 2010 it is unlawful for any organisation or individual providing a good, facility or service to discriminate against you on the grounds of your sexual orientation. This also outlaws discrimination against your child because their parents are gay.

Schools It is illegal for a school to refuse to enrol your child because his or her parents are gay, lesbian or bisexual. Similarly, they are not allowed to treat your child any differently once they are at school. This includes:

- Admissions to a school
- Access to any benefits, facilities or services
- Exclusion or suspension
- Any other detriment

If you believe that the school you are applying to is acting in a discriminatory way you should complain to the school's board of governors or trustees. If you do not feel they adequately address your complaint contact Stonewall for more information on how to take your complaint further.

Bullying Stonewall's Education for All campaign works with local education authorities, primary schools and secondary schools to make sure all children, including those with gay dads, can go to school without being bullied.

Schools are required to work to prevent bullying under the Education and Inspections Act 2006 in England and Wales and the Standards in Scotland's Schools Act 2000. The Equality Act 2010 backs this up by requiring all public bodies to act without discrimination.

You may find that the school is not treating homophobic bullying as seriously as other forms of bullying. You should address this with your school's board of governors or trustees, and if you aren't satisfied with the measures taken, contact Stonewall for more advice on taking the complaint further.

When your child starts school it is a good idea to talk to their teachers about trying to include examples of different families in their teaching. If your child's school or teachers need help or resources to tackle homophobia, to include lesbian, gay or bisexual issues in the curriculum or to talk about different families they can contact Stonewall to access a number of free resources.

7 Further resources

For more information about becoming a gay dad, the law, your rights and the contact details of a range of support groups and sources of advice contact Stonewall's Information Service:

Stonewall

Tower Building
York Road
London SE1 7NX

08000 50 20 20
info@stonewall.org.uk
www.stonewall.org.uk

For more information about the law, the rules around egg and sperm donations and contact details for fertility clinics contact the Human Fertilisation and Embryology Authority:

Human Fertilisation and Embryology Authority

21 Bloomsbury Street
London WC1B 3HF

020 7291 8200
admin@hfea.gov.uk
www.hfea.gov.uk

For more information on the adoption and fostering process and for a directory of agencies contact the British Association of Adoption and Fostering:

British Association for Adoption & Fostering

Saffron House
6-10 Kirby Street
London EC1N 8TS

020 7421 2600
mail@baaf.org.uk
www.baaf.org.uk

For more information on donating sperm contact the London Women's Clinic and London Sperm Bank:

London Women's Clinic

113-115 Harley Street
London W1G 6AP

020 7563 4309
info@londonwomensclinic.com
www.londonwomensclinic.com

For anonymous advice on sperm or egg donations contact the National Gamete Donation Trust:

National Gamete Donation Trust

0845 226 9193
info@ngdt.co.uk
www.ngdt.co.uk

For sources of legal advice contact Stonewall's Information Service or contact some of the legal practitioners who kindly supported Stonewall in drafting this guide:

Gamble and Ghevaert

Unit E4,
Arena Business Centres,
Holy Rood Close,
Poole BH17 7FJ

01202 373400
enquiries@gambleandghevaert.com
www.gambleandghevaert.com

Goodman Ray

5 Cranwood Street
London EC1V 9EE

020 7608 1227
mail@goodmanray.com
www.goodmanray.com

Mischon de Reya

Summit House
12 Red Lion Square
London WC1R 4QD

020 7440 7000
contactus@mishcon.com
www.mishcon.com

With thanks to:

Barnardo's
Big Lottery Fund
Gamble and Ghevaert
Goodman Ray
Ilana Seager
London Sperm Bank
Mischon de Reya
Time for Children

Other Stonewall resources for gay dads

Stonewall has produced a number of free resources and research that you and your child's school can use. All of them are available to download from www.stonewall.org.uk or by calling 08000 50 20 20.

Our range of education resources for primary and secondary schools can help your child's teachers talk confidently about different families and challenge homophobic bullying. They include posters, DVDs, lesson plans and more. We have also published a range of research and guides for people working with young people on including different families.

Pregnant Pause, Stonewall's guide for lesbians on how to get pregnant may also be useful, especially if you are planning to conceive your child through artificial insemination at home.

Stonewall's Education Champion's programme helps local authorities to tackle homophobic bullying in their schools. To find out if your local authority is a member visit www.stonewall.org.uk/educationchampions

Stonewall's Diversity Champions programme is a good practice forum for employers. Many Diversity Champion members have inclusive policies for employees with children. To find out if your employer is a member please visit www.stonewall.org.uk/workplace

A guide for **gay dads**