

The Welfare of the Child



'A woman shall not be provided with treatment services unless account has been taken of the welfare of any child who may be born as a result of treatment (including the need of that child for supportive parenting), and of any other child affected by the birth.' (HFE Act 1990)

As a licensed unit, we are required by law to satisfy ourselves that we know of no medical or social reason why an individual or couple may not be offered treatment, including anything that may adversely affect the welfare of any resulting child.

We make our enquiries by asking patients to complete a welfare of the child form. If necessary, we may need to make further enquiries by contacting the patient's GP or other third parties. To do this, the patient's written consent must be obtained and refusal to give consent may be taken into account. If our enquiries give cause for concern, the centre will make any further enquiries of any relevant authority or agency. On rare occasions treatment may be refused on clinical grounds if the unit believes that it would not be in the best interests of any resulting or existing child to provide treatment.

Patients are encouraged to give their views before any decision is made and to meet any objection raised to providing them with treatment. In certain situations, a case may be referred to the Ethics Committee. This is an independent body of professional and lay people who meet regularly. They have a responsibility to ensure that the patient's treatment, taking into account their circumstances, is ethically acceptable. People seeking treatment are entitled to a fair and unprejudiced assessment of their situation and needs. This is conducted with skill and sensitivity appropriate to the delicacy of the case and the wishes and feelings of those involved.

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Legal Parenthood

Legal parenthood and legal responsibility

A person recognised as the legal parent of a child may not automatically have parental responsibility. Legal parenthood gives a lifelong connection between a parent and a child, and affects things like nationality, inheritance, and financial responsibility. The legal parent normally has parental responsibility. A person with parental responsibility has the authority to decide about the care of the child while the latter is young, for example for medical treatment and education.

A child's legal mother automatically has legal parenthood. The position of the partner depends on factors including their marital status, what is recorded on the birth certificate; and for intended parents in surrogacy agreements whether the family court has made a parental order.

Legal parenthood for recipients of sperm or embryo donation

Heterosexual couples:

When donor sperm or embryos are used for treatment, the Human Fertilisation and Embryology Act 2008 states that if heterosexual couples using donor sperm or embryos are unmarried, the male partner must consent to being the legal parent to be legally recognised as such and be named on the child's birth certificate. The female patient receiving treatment also needs to consent for her partner to be the legal parent. For married couples the husband is the legal father of the child.

Same sex couples::

When lesbian couples who are not married or not in a civil partnership are treated, it will be possible for the female partner of a woman who has a child following IVF, or donor insemination, to be the child's second legal parent. The female partner must consent to be the child's second legal parent in order to be legally recognised as such and be named on the child's birth certificate. The woman being treated must consent for her partner to be the child's second legal parent to be legally recognised as such and named on the child's birth certificate. The appropriate parenthood forms are required to be completed before treatment.

The status of lesbian couples who are civil partners is that of married couples, the civil partner or wife will be the legal parent of the resulting child.

There is a difference in law between the legal status of 'parent' and having 'parental responsibility' for a child. Should you have any concerns regarding this, please contact a member of the counselling team on 0151 702 4075 or hewittcounsellingservices@lwh.nhs.uk, or if required seek your own legal advice.

This leaflet can be made available in different formats on request. If you would like to make any suggestions or comments about the content of this leaflet, then please contact the Patient Experience Team on 0151 702 4353 or by email at pals@lwh.nhs.uk

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The Hewitt Fertility Centre (Liverpool)
Crown Street
Liverpool
L8 7SS
Tel: 0151 702 4121 / 4123
Email: Hewitt.Centre@lwh.nhs.uk

The Hewitt Fertility Centre (Knutsford)
4 The Pavilions
Knutsford Business Park
Mobberley Road
Knutsford
WA16 8ZR
Tel: 01565 653287