

# US court rules lesbian egg donor has parent rights

November 7 2013, by Brendan Farrington

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The Florida Supreme Court has ruled that a woman who donated an egg to her lesbian partner has parental rights to the child, and on Thursday it ordered a lower court to determine custody and visitation rights.

The case involves two women, identified only by their initials, who began raising the child together. One donated an egg that was fertilized and implanted in the other, who gave birth in 2004.

But the couple split up two years later, and the birth mother eventually left the country. The other woman, who identifies herself as the biological mother, used a private detective to find her former partner in Australia, and a custody fight ensued.

At issue is the 1993 state law meant to regulate sperm and egg donation and to prevent donors from claiming parental rights to a child born to another couple. In this case, however, the Supreme Court said the donor provided her egg as part of an agreement to parent the child together and she acted as a parent after the child was born. Thus, the law doesn't apply.

"It would indeed be anomalous if, under Florida law, an unwed biological father would have more constitutionally protected rights to parent a child after a one-night stand than an unwed biological mother who, with a committed partner and as part of a loving relationship, planned for the birth of a child and remains committed to supporting and raising her own daughter," the [court](#) wrote.

Christopher Carlyle, a lawyer representing the biological mother, said: "The case represents a recognition of the fundamental right a parent has to parent their child, regardless of that parent's sexual orientation or the manner by which the child is conceived. You had a unique situation where there was no intent of our client to donate this biological material and then be out of the picture. They obviously intended to raise the [child](#) together."

The lawyer for the [birth mother](#) didn't immediately return a phone message left at his law office.

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