

FOR IMMEDIATE RELEASE

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**Provisions to Establish Fraudulent Assisted Reproduction as a Crime
Added to Ohio Criminal Law Reform Bill**

Columbus, OH – Fertility fraud involves the misuse of genetic material to create a viable embryo. The classic example is a fertility doctor who uses his own sperm to fertilize the egg of one of his patients, despite the patient having only consented to use the sperm of another donor. Current Ohio law does not prohibit a doctor from using his own sperm to impregnate a patient, or other misrepresentations about the donor, and provides no legal recourse for women and their children who find out years later.

While currently fertility fraud is not a crime, it is a profound ethical and moral issue and an unconscionable abuse of trust between doctors and patients. States including Indiana, Kentucky, Florida, Texas, and Colorado have recently passed legislation to address this gap in the law, and there are laws pending in additional states including Michigan and Iowa.

As direct-to-consumer DNA testing becomes more and more popular, more people will discover that they and their parents or siblings have been affected by fertility fraud. With the advent of 23 and Me and other similar companies, this phenomenon has only recently come to light, so corrective legislative action is both timely and appropriate.

House Bill 64 was introduced in early 2021 to address this issue. The bill passed the House Criminal Justice Committee unanimously in April 2022 and its provisions have now been added to Substitute Senate Bill 288, a criminal law reform bill.

Adoption Network Cleveland is taking a central role in organizing advocates in Ohio on this issue including working with the U.S. Donor Conceived Council. Although fertility fraud may seem unrelated to adoption, in reality, adoptees share many of the same issues as victims of fertility fraud and donor-conceived individuals. Those overlapping policy considerations converge where issues of genetic identity, medical history, and openness are central.

In addition to Ohio advocates anticipated to testify at the hearing we expect to be joined by advocates from Indiana, including some who are featured in the chilling documentary on Netflix *Our Father* which details the story of Dr. Cline in Indianapolis who is known to have at least 94 offspring through

fraudulent assisted reproduction. Jacoba Ballard was the first offspring to discover the connection and took a primary role both in connecting with the other half siblings, and in taking action against Dr. Cline. Ms. Ballard is expected to testify at the Judiciary Committee hearing on these provisions in Sub. SB 288 on November 29.

Proponents expected to testify in person at Tuesday's hearing include:

- Jacoba Ballard, from Indiana, the first offspring to discover the actions of Dr. Cline who is now known to have at least 94 offspring, featured in the Netflix documentary *Our Father*.
- Carrie Lauterbach from the Dayton, Ohio area who recently discovered she was conceived through fertility fraud.
- Jody Lynee Madeira, Professor of Law and co-director of the Center for Law, Society, and Culture at the Indiana University Maurer School of Law in Bloomington Indiana.
- Betsie Norris, Founder and Executive Director, Adoption Network Cleveland.

Select proponents expected to submit written testimony at Tuesday's hearing include:

- Eve Wiley of Texas, who after discovering that she was conceived by fertility fraud was the driving force behind establishing law on this topic in Texas and other states.
- Michelle, an Ohioan who now lives in Indiana, who recently discovered she was conceived through fertility fraud.
- Tyler Sniff, an Ohioan who now lives in Georgia who recently discovered that he was donor-conceived, VP Legal Affairs and Asst VP Government Affairs US Donor Conceived Council.
- Albert Frantz is an American donor conceived person based in Vienna, Austria. He was part of the very first delegation of donor and surrogacy conceived individuals to testify before the United States.

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About Adoption Network Cleveland

Adoption Network Cleveland: The Ohio Family Connection is an innovative non-profit organization with over 30 years of experience serving the adoption and foster care communities. Our organization fulfills otherwise unmet needs for information, advocacy, education and support for adult adoptees, birthparents and birth family; adoptive, kinship and foster families; youth in foster care and foster alumni; and related professionals. More recently, the organization has expanded its services to use its expertise in adoption search, reunion with birth family, and peer support networks to assist those who have been donor-conceived or have misattributed parentage. Adoption Network Cleveland is a member of Greater Cleveland Community Shares. The organization can be found online at www.adoptionnetwork.org or on social media at @AdoptionNetCle. Adoption Network Cleveland's position statement on fertility fraud can be found here: <https://www.adoptionnetwork.org/service-areas/advocacy/position-statements.html>