



## **The Case of the Carrier Donor**

Due to an increase in the age of marriage and as a result of certain medical conditions, more and more couples are turning to egg donors to supply them with viable eggs. This is a complex issue since it introduces another partner into the creation of the child. Couples are worried whether the child will look very different from them and everyone will immediately know that they used an egg donor. There are, of course, halachic questions with this procedure that need to be dealt with by an expert Rabbi.

In a recent court case the Albany, New York court dealt with a tragedy that must be a major concern for all such couples. Two couples came to the court who had given birth to children with a genetic defect. The genetic abnormality was later traced to donated eggs and the donor was found to be a carrier of the severe genetic illness.

The two children, both born in 2009, have Fragile X syndrome, a genetic condition that can lead to intellectual and developmental impairments. Women have two X chromosomes that contain the genetic code that determines how the child will be formed. In the case of Fragile X, one of the X chromosomes is impaired. Since women have two X chromosomes, having one damaged one will not usually affect them, but their sons, who only have one X chromosome as well as a Y chromosome, will be ill, and will suffer from the intellectual and development problems

that can be very severe.

The parents, identified by initials and last names in legal papers, were told the egg donors were screened for genetic conditions. But it is obvious that the donor must have been a carrier of this disease, even though she was healthy, she produced boys with this genetic disability. The parents were seeking legal damages for the added expenses of raising a disabled child.

The case centered around whether the couples could still claim damages for something that happened several years before. The court decided in favor of the couples and they were awarded damages of an unknown amount.

This story shows the importance of having a reputable clinic assess and monitor the donors to make sure that they are healthy. The clinic in question has a very good reputation and probably made an honest but costly mistake. We have to ensure that the appropriate tests are made before using donor eggs to be certain that any children born will be healthy.

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