Paternity of a child under the law of England & Wales

Yes: Did the mother conceive after sexual intercourse?

The biological father is the child’s legal father

No: Was the mother married to a man at the time of conception?

Husband is legal father of the child

Subject to a rebuttable presumption in common law that the mother’s husband is the father, continue here:

Was the mother married to or in a civil partnership with a woman at the time of conception?

Did the mother’s wife/civil partner agree to the treatment or insemination etc?

The mother’s wife/civil partner is the child’s legal “second parent”.

Did conception occur after treatment in a UK clinic licensed through the HFEA?

The biological father (sperm donor) is the legal father.

The child only has ONE legal parent (i.e. the mother)

Were the parents treated jointly as a couple and were all procedures followed properly?

The mother’s MALE partner is the legal father or the mother’s FEMALE partner is the legal “second parent” if the treatment was after 6 April 2009.

This is a simplified illustration of a complex area of law. You must seek advice in specific cases.

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