

'Sperm Theft' Ruling a Step Forward for Men's Reproductive Rights

By Jeffery M. Leving and Glenn Sacks

All's fair in love, war, and paternity cases. When child support is sought, there is scarcely any deceit that courts won't push aside under the "best interests of the child" test.

Courts have ruled that boys who were statutorily raped by older women must pay child support. Courts have ruled that when a woman has taken the semen from a condom a man used for sex with a different woman and has inserted it in herself, the man must still pay child support. Courts have ruled that when a woman has concealed her pregnancy (denying the man the right to be a father) and then sued for child support a decade later, the man must still pay child support. Courts have ruled that when a woman has deceived her husband into believing that her baby is his child, he must still pay child support. Few if any men are relieved of child support obligations due to the circumstances of the pregnancy, no matter how bizarre or unjust.

Recently, however, the Illinois Appellate Court took a step towards fairness by ruling that an Illinois man can sue his former lover for emotional distress over her pregnancy. Dr. Richard O. Phillips alleges that six years ago Dr. Sharon Irons secretly kept his semen after the two had oral sex, and then impregnated herself with it. Phillips claims he didn't learn of the child's existence until two years later, when Irons went to court to get child support. Irons now receives \$800 a month in tax-free child support from Phillips.

In last week's ruling the court stated that, if Phillips' story is true, Irons "deceitfully engaged in sexual acts, which no reasonable person would expect could result in pregnancy." The court reinstated Phillips' lawsuit against Irons, which had been thrown out by the Cook County Circuit Court in 2003.

Unfortunately, the court couldn't bring itself to properly uphold Phillips' reproductive rights, instead ruling that he must continue to pay child support because "when plaintiff 'delivered' his sperm, it was a gift...There was no agreement that the original deposit would be returned upon request." Of course, in Phillips' version of events, there was also no agreement that Irons would use his sperm to make a baby.

Research shows that men are often deceived into paternity. A recent poll of 5,000 women conducted for *That's Life!* magazine in the United Kingdom found that 42% of women say they would lie about contraception in order to get pregnant, regardless of the wishes of their partners. According to research conducted by Joyce Abma of the National Center for Health Statistics and Linda Piccinino of Cornell University, over a million American births each year are the result of pregnancies which men did not intend. Jo Checkley, the editor of *That's Life!*, notes:

"To deliberately get pregnant when your partner doesn't want a baby is playing Russian roulette with other people's lives."

Phillips says he feels as if he's "being trapped in a nightmare," and has had headaches and trouble sleeping and eating.

If Phillips' story is true, Irons has committed one of the most damaging acts a woman can do: knowingly create a child with an unwilling father. The Appellate Court acted correctly in allowing Phillips to take legal action against the person he claims deceived him in such an important, intimate, and emotional matter.

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