

Sperm donor: I'm dad

Sues after helping friend have baby

BY MARK BROWN
COOK COUNTY REPORTER

A Lincoln Park man who provided his sperm to a woman from Oak Lawn for a do-it-yourself artificial insemination has gone to court to enforce his rights as the baby's father.

Kevin P. Green, 37, a real estate broker, is asking Cook County Circuit Judge Kathleen G. Kennedy to declare him to be the natural father of a boy born last Aug. 29 to Lynn Alleruzzo, 34.

According to court records, Green and Alleruzzo, who were friends, arranged to make a baby by having him ejaculate into a syringe at her home. The semen was then injected into Alleruzzo by her partner, Charlene Crotty, after Green left. They used the same procedure 11 times over a three-month period before she got pregnant.

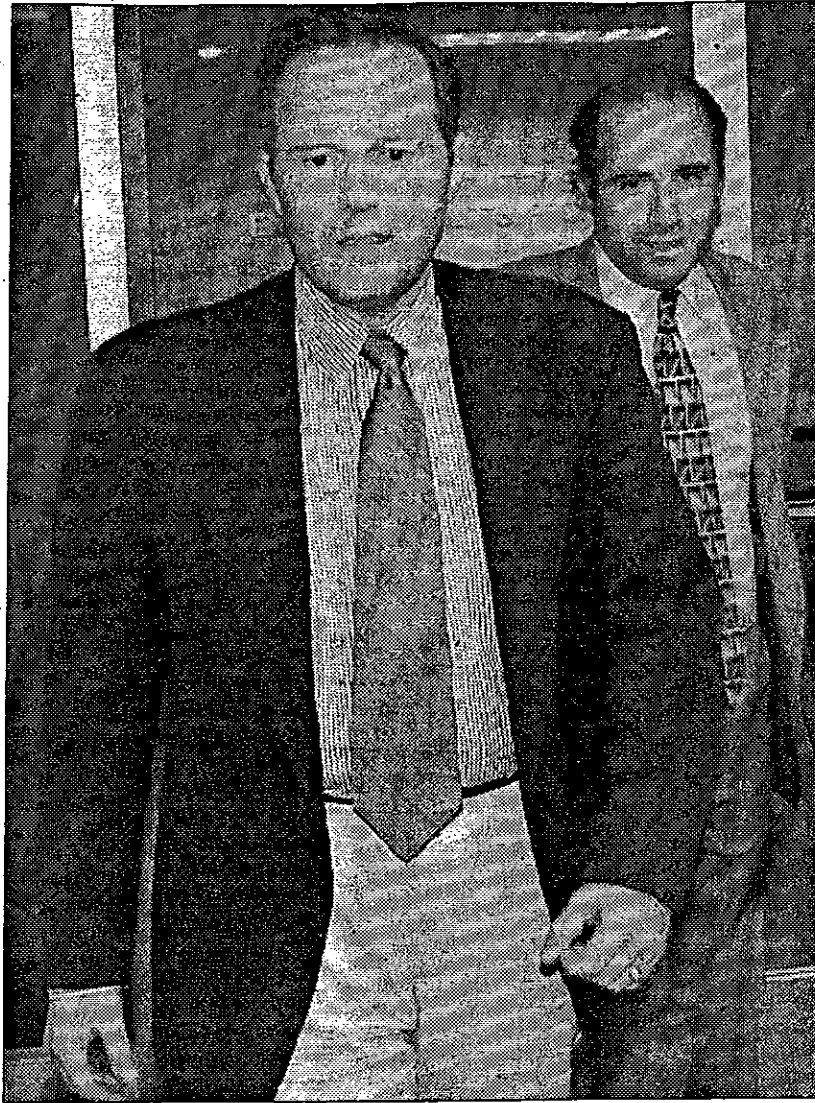
Green contends that it was always understood that he would be considered the father of the child and that, although the child would reside with Alleruzzo and Crotty, he and his partner, Thomas Askounis, would also be involved in the parenting.

Alleruzzo argues that Green reneged on a promise to let her and Crotty adopt the child and that, as a sperm donor, he has no legal claim to fatherhood. She alleges that he always made it clear he did not want any financial responsibility for the child.

"It's my child. I want to see my child," Green said outside court Thursday after the judge heard arguments on whether the case is covered by the Illinois Parentage Act, enacted in 1983 to clarify parental rights where artificial insemination is involved. "She asked me to be the father of the child."

Alleruzzo, who operates a psychological testing service, was not present in court. She declined comment when contacted by telephone.

Lawyers for both parties say the case raises issues never decided by Illinois courts.



Kevin Green, who donated his sperm to a female friend and is suing for fatherhood rights, leaves court Thursday, followed by his attorney, Alan Toback.

RICH HEIN/SUN-TIMES

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—Kevin P. Green

The case "has wide-reaching implications for children born by the new reproductive technology," said Alan Toback, Green's lawyer.

One of those issues is whether the Illinois Parentage Act applies only to married couples, as Kennedy ruled in March in a blow to Alleruzzo. The law states that the husband of a wife who is artificially inseminated with someone else's semen will be treated as the natural

father, not the sperm donor. On Thursday, Alleruzzo's lawyer, Richard Lifshitz, asked the judge to reconsider, arguing that the Legislature meant to give unmarried women the same rights.

Toback told Kennedy that the law cannot be applied in this case because it requires the donor to provide the sperm to a licensed physician, who must perform the insemination technique. The doctor's involvement is important for reasons of public policy, public health and "chain of custody," Toback said.

Lifshitz said the law only requires the procedure to be performed "under the supervision" of a doctor. Dr. Julie Barton, a Chicago obstetrician, said in a court affidavit that she instructed Alleruzzo on how to perform the insemination and supplied her with the syringes.

Green, who denies he ever agreed to an adoption, is asking for visitation and to be allowed to pay child support.

He said he was present at the hospital for the boy's birth and Alleruzzo introduced him as the father. Before the birth, he said, he attended two ultrasound exams and a baby shower, where he also was introduced as the father. He also said he helped pick the boy's name. Green said he hasn't been allowed to see the boy since he refused to sign legal documents relinquishing his parental rights.

Sperm donors don't go to the child's first ultrasound, to the baby shower," Green said.

Alleruzzo said in court documents that in early 1995, after adoptions by same-sex partners became legal in Illinois, she and Crotty, 57, began discussing the possibility of giving birth to a child that they would adopt. The couple has lived together for 11 years.

She said they shared these thoughts during dinner in May, 1995, with Green and Askounis, who were old friends, and told them they planned an artificial insemination using an anonymous donor. Alleruzzo said Green offered to let her use his semen instead. He said she asked him.

Kennedy is scheduled to rule on some of the legal issues on June 24. Lifshitz said Alleruzzo has not proceeded with the adoption.

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It doesn't get any better or smaller than this.