

25 January 2020

Judiciary Committee Members,

My name is Eve Wiley and I support Senate Bill 748. I request for this letter to be read and included as part of the public hearing record. I am 32 years old, I live in Dallas, Texas with my husband and two children. I grew up in a small town in East, Texas called Center. I was born in Nacogdoches, Texas. I am the product of fertility fraud. I discovered I was donor conceived when I was 16 years old, digging through my mom's emails. Who I had believed was my father, Doug, passed away when I was 7 years old. It was very important to me to obtain my paternal medical history so I began to search for my donor.

Fortunately, my mother kept all of her medical records including the donor selection sheet from which she selected donor 106. I contacted California Cryobank and asked them if they had any updated medical records for donor number 106 and sent them a letter to pass along to my donor in the event they were able to contact him. When I was 18 years old I found and made contact with donor number 106, Steve. Being a donor offspring is a unique situation, there are no rules in this unregulated industry, no guidelines in making contact or social etiquette- we winged it. We decided to start and maintain a relationship that eventually led to me calling him "Dad", we say "I love you", he officiated my wedding, and my kids call him "Papa". Very much a fairytale story. However, all fairytales have a tragic element.

My five year old son, Hutton, struggled with undiagnosed medical issues. At the direction of his doctor, we took 23 and me plus health to gain more insight into genetic variations. We were surprised when the autoimmune disorder, Celiac Disease, came back as a genetic variation because it is hereditary and no one had reported it in my maternal or paternal medical history. Further testing confirmed the medical mystery and my son's health immediately improved. In May of 2018 I received two notifications on ancestry.com that I had new family matches. The matches indicated that these two men were my half siblings. I also received another notification on 23 and me that I had a match for a first cousin. The first one I made contact with was A.W. He is 34 and lives in Nacogdoches, Texas. He knew he was a donor offspring but unsure of the donor number. The only information he had was that it was a local donor to the area. Next I made contact with R.K. He is 42 and lives in San Antonio. He also knew he was a donor offspring. A.B. was the last one I made contact with. He was not aware that he was a donor offspring. After an hour of conversation, we decided to look at the 23 and me connection more closely and work at it from the first cousin angle. He told me he has an uncle in Nacogdoches, Texas, named Dr. Kim McMorries. My mom's fertility and OB doctor. The man who delivered me. **Dr. McMorries used his own sperm to inseminate my mother without her knowledge or consent.** The medical records reflect, in Dr. McMorries handwriting, that he was inseminating with donor number 106. **Dr. McMorries is still practicing** with his son in Nacogdoches, Texas. A genetic test with Steve, donor 106, confirmed that he is not my biological father. I have confronted Dr. McMorries, and he has confirmed he is my biological father. He denies any wrong doing and has gone to great lengths to craft stories validating his narrative.

These doctor daddy cases are popping up frequently. When I started this journey there were only four publicly known cases. I have identified over 50 doctors who have inseminated their patients without their consent or knowledge. At this point, I get contacted weekly from victims who have no idea what to do next. Because there are not civil or criminal causes of action to bring against the doctors, many of these doctor daddy offspring are unwilling to come forward- as there is nothing to come forward for. Of the five lawsuits that have been filed against “doctor daddies”, none have been resolved due to a lack of legislation that cleanly prosecutes them. They continue to suffer in silence, struggling how to accommodate and assimilate this level of deception into their construct of an identity as they navigate new half sibling relationships, and repair their social family relationships. The Texas medical board was unable to investigate due to an amendment that states they will not investigate claims older than 7 years. This act happened 33 years ago; and there is no discovery rule in place. The only option was to settle out of court in mediation for a sum of money in exchange for anonymity for the doctor. A choice that would allow Dr. McMorries to retain his medical license with his reputation intact and the ability to keep offending. This only avenue was not adequate enough for me and only contributed to the problem instead of solving it. In February of 2019, I began lobbying for a fertility fraud bill in Texas that passed unanimously in the House and Senate. ABC’s 20/20, Refinery29, and The New York Times followed and reported my story to help raise awareness on fertility fraud and shed light on the grossly unregulated fertility industry. The fertility industry is a \$5.4 billion dollar industry. Our nail salons have more regulations than our fertility clinics. There are no consistent protocols ensuring that the right reproductive material is being used, and there are no courses of action for malicious acts.

My new truth completely turned my life upside down. The conflicting emotions and social feedback can feel overwhelming at times. It is not a discussion of being “grateful to be alive because of the doctor”, it is a discussion of the negligence, unethical, and criminal misconduct of these doctor’s actions. I have to mourn the loss of never knowing what it is like to have a genuine relationship with my biological father. I have to watch my mother cope with the trauma of being a victim of sexual assault, I have to cope with being the product of a sexual assault and the fact my genetic identity was a secret for 31 years, and we all have to cope with the fact that justice was not served. This is the purpose of my pain- advocating for these laws to protect vulnerable persons using artificial reproductive technologies.

Committee members, I am asking you to vote in support of Senate Bill 748 and join Texas, Indiana, and California as the next great state to take a stand against fertility fraud and become model legislation for the rest of the States to follow suit. Please be the voice for the victims that are too vulnerable and ashamed to come forward. Please give the victims justice and closure. Please set the precedent that this will not be tolerated. Spare them the trauma of coming to you to ask for a law to be put in place, and instead be able to offer them comfort and foresight of having already passed this bill that will give them justice and closure. Be their voice.

Sincerely,

Eve Wiley
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