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Indiana Law fertility expert a resource on fraud legislation

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A piece of new, bipartisan legislation that would make knowingly misrepresenting the nature or source of DNA used in assisted reproductive procedures or other fertility treatments a federal crime has a tie to the Maurer School of Law.

[Jody Madeira](#), a nationally recognized expert on fertility fraud, bioethics, and law and medicine, worked with victims of fertility fraud as they sought ways to develop legislation making the act a crime.

The issue has been given even more attention in recent months following the release of the Netflix documentary *Our Father*, which chronicled the case of an Indianapolis fertility specialist—Donald Cline—who used his own sperm to impregnate multiple women without informing them he was the donor.

Cline was convicted of multiple obstruction of justice felonies connect

ed to a fertility fraud investigation, but prosecutors could not pursue anything beyond those charges—all because



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a fertility specialist from using their own genetic material to help a woman conceive.

[*The Protecting Families from Fertility Act*](#)

(PFFA) was introduced Tuesday (Aug. 16) by Congresswoman Stephanie Bice (R-OK) and Congresswoman Mikie Sherill (D-NJ), and aims to make misrepresentation of the source of DNA used in a reproductive procedure punishable by up to 10 years imprisonment and fines and mandatory restitution to victims.

Madeira testified in favor of a groundbreaking Indiana law in 2019 that made fertility fraud or deception a felony offense, while allowing victims to pursue a cause of action for civil fertility fraud that would allow them to recover the costs of the fertility treatment.

Her testimony in favor of the Indiana law and her extensive research and scholarship on the issue put Madeira on the radar of other states considering similar legislation.

“I’m often asked to help describe the facts of the fertility fraud phenomena,” Madeira said. “Victims and state legislatures will contact me to ask about what conduct involved, and about the range of possible responses—for example, whether or not it should be sexual assault. Helping them interpret the current legislative landscape



Prof. Jody Madeira

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achieve accountability.”

The PFFA was initiated by victims of and advocates against fertility fraud.

Madeira noted the outcry when Cline pleaded guilty to two counts of obstruction of justice and nothing more after DNA tests revealed him to be the biological father of more than 90 children.

“The Cline case illustrated the need for this kind of legislation to ensure physicians could be held liable for this heinous conduct,” she said. “This was a doctor entrusted by his patients to provide a service and was literally able to father more than 90 offspring without consent or even knowledge of the patients. That the most Dr. Cline could be charged with was essentially lying to investigators was a clear sign to me that this is an incredibly important and deeply personal issue that deserves attention.”

The PFFA would also add the new proposed federal crime as a “predicate offense” of the Racketeer Influenced and Corrupt Organizations (RICO) Act, providing enhanced subpoena and prosecutorial avenues in instances where there is a pattern of multiple alleged offenses.

Madeira has worked to support similar laws at the state level, including in Indiana, Texas, Florida, Arizona, and Kentucky, whose governor signed legislation into law earlier this year.

She is the author of *Taking Baby Steps: How Patients and Fertility Clinics Collaborate in Conception* (University of California Press, 2018), which takes readers inside the infertility experience, from dealing with infertility-related



negotiating informed consent.
