

1 is carrying the child for the intended parents.

2 (B) The husband, if any, of the gestational
3 surrogate certifies that he is not the biological
4 father of the child.

5 (C) The intended mother certifies that she
6 provided or an egg donor donated the egg from which the
7 child being carried by the gestational surrogate was
8 conceived.

9 (D) The intended father certifies that he provided
10 or a sperm donor donated the sperm from which the child
11 being carried by the gestational surrogate was
12 conceived.

13 (E) A physician licensed to practice medicine in
14 all its branches in the State of Illinois certifies
15 that the child being carried by the gestational
16 surrogate is the biological child of the intended
17 mother or the ~~and~~ intended father or both and that
18 neither the gestational surrogate nor the gestational
19 surrogate's husband, if any, is a biological parent of
20 the child being carried by the gestational surrogate.

21 (E-5) The attorneys for the intended parents and
22 the gestational surrogate each certifies that the
23 parties entered into a gestational surrogacy contract
24 intended to satisfy the requirements of Section 25 of
25 the Gestational Surrogacy Act with respect to the
26 child.

27 (F) All certifications shall be in writing and
28 witnessed by 2 competent adults who are not the
29 gestational surrogate, gestational surrogate's
30 husband, if any, intended mother, or intended father.
31 Certifications shall be on forms prescribed by the
32 Illinois Department of Public Health, shall be
33 executed prior to the birth of the child, and shall be
34 placed in the medical records of the gestational

1 surrogate prior to the birth of the child. Copies of
2 all certifications shall be delivered to the Illinois
3 Department of Public Health prior to the birth of the
4 child.

5 (2) Unless otherwise determined by order of the Circuit
6 Court, the child shall be presumed to be the child of the
7 gestational surrogate and of the gestational surrogate's
8 husband, if any, if all requirements of subdivision (a)(1)
9 are not met prior to the birth of the child. This
10 presumption may be rebutted by clear and convincing
11 evidence. The circuit court may order the gestational
12 surrogate, gestational surrogate's husband, intended
13 mother, intended father, and child to submit to such
14 medical examinations and testing as the court deems
15 appropriate.

16 (b) Notwithstanding any other provisions of this Act,
17 paternity established in accordance with subsection (a) has the
18 full force and effect of a judgment entered under this Act and
19 serves as a basis for seeking a child support order without any
20 further proceedings to establish paternity.

21 (c) A judicial or administrative proceeding to ratify
22 paternity established in accordance with subsection (a) is
23 neither required nor permitted.

24 (d) A signed acknowledgment of paternity entered under this
25 Act may be challenged in court only on the basis of fraud,
26 duress, or material mistake of fact, with the burden of proof
27 upon the challenging party. Pending outcome of the challenge to
28 the acknowledgment of paternity, the legal responsibilities of
29 the signatories shall remain in full force and effect, except
30 upon order of the court upon a showing of good cause.

31 (e) Once a parent and child relationship is established in
32 accordance with subsection (a), an order for support may be
33 established pursuant to a petition to establish an order for
34 support by consent filed with the clerk of the circuit court. A

1 copy of the properly completed acknowledgment of parentage form
2 shall be attached to the petition. The petition shall ask that
3 the circuit court enter an order for support. The petition may
4 ask that an order for visitation, custody, or guardianship be
5 entered. The filing and appearance fees provided under the
6 Clerks of Courts Act shall be waived for all cases in which an
7 acknowledgment of parentage form has been properly completed by
8 the parties and in which a petition to establish an order for
9 support by consent has been filed with the clerk of the circuit
10 court. This subsection shall not be construed to prohibit
11 filing any petition for child support, visitation, or custody
12 under this Act, the Illinois Marriage and Dissolution of
13 Marriage Act, or the Non-Support Punishment Act. This
14 subsection shall also not be construed to prevent the
15 establishment of an administrative support order in cases
16 involving persons receiving child support enforcement services
17 under Article X of the Illinois Public Aid Code.

18 (Source: P.A. 92-16, eff. 6-28-01; 93-921, eff. 1-1-05.)

19 Section 99. Effective date. This Act takes effect upon
20 becoming law."