



Sen. Chapin Rose

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09800SB1867sam001

LRB098 08701 HEP 43284 a

1 AMENDMENT TO SENATE BILL 1867

2 AMENDMENT NO. _____. Amend Senate Bill 1867 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Parentage Act of 1984 is amended
5 by changing Section 6 as follows:

6 (750 ILCS 45/6) (from Ch. 40, par. 2506)

7 Sec. 6. Establishment of Parent and Child Relationship by
8 Consent of the Parties.

9 (a) A parent and child relationship may be established
10 voluntarily by the signing and witnessing of a voluntary
11 acknowledgment of parentage in accordance with Section 12 of
12 the Vital Records Act, Section 10-17.7 of the Illinois Public
13 Aid Code, or the provisions of the Gestational Surrogacy Act.
14 The voluntary acknowledgment of parentage shall contain the
15 social security numbers of the persons signing the voluntary
16 acknowledgment of parentage; however, failure to include the

1 social security numbers of the persons signing a voluntary
2 acknowledgment of parentage does not invalidate the voluntary
3 acknowledgment of parentage.

4 (1) A parent-child relationship may be established in
5 the event of gestational surrogacy if all of the following
6 conditions are met prior to the birth of the child:

7 (A) The gestational surrogate certifies that she
8 is not the biological mother of the child, and that she
9 is carrying the child for the intended parents.

10 (B) The husband, if any, of the gestational
11 surrogate certifies that he is not the biological
12 father of the child.

13 (C) The intended mother certifies that she
14 provided or an egg donor donated the egg from which the
15 child being carried by the gestational surrogate was
16 conceived.

17 (D) The intended father certifies that he provided
18 or a sperm donor donated the sperm from which the child
19 being carried by the gestational surrogate was
20 conceived.

21 (E) A physician licensed to practice medicine in
22 all its branches in the State of Illinois certifies
23 that the child being carried by the gestational
24 surrogate is the biological child of the intended
25 mother or the intended father or both and that neither
26 the gestational surrogate nor the gestational

1 surrogate's husband, if any, is a biological parent of
2 the child being carried by the gestational surrogate.

3 (E-5) The attorneys for the intended parents and
4 the gestational surrogate each certifies that the
5 parties entered into a gestational surrogacy contract
6 intended to satisfy the requirements of Section 25 of
7 the Gestational Surrogacy Act with respect to the
8 child.

9 (F) All certifications shall be in writing and
10 witnessed by 2 competent adults who are not the
11 gestational surrogate, gestational surrogate's
12 husband, if any, intended mother, or intended father.
13 Certifications shall be on forms prescribed by the
14 Illinois Department of Public Health, shall be
15 executed prior to the birth of the child, and shall be
16 placed in the medical records of the gestational
17 surrogate prior to the birth of the child. Copies of
18 all certifications shall be delivered to the Illinois
19 Department of Public Health prior to the birth of the
20 child.

21 (2) Unless otherwise determined by order of the Circuit
22 Court, the child shall be presumed to be the child of the
23 gestational surrogate and of the gestational surrogate's
24 husband, if any, if all requirements of subdivision (a) (1)
25 are not met prior to the birth of the child. This
26 presumption may be rebutted by clear and convincing

1 evidence. The circuit court may order the gestational
2 surrogate, gestational surrogate's husband, intended
3 mother, intended father, and child to submit to such
4 medical examinations and testing as the court deems
5 appropriate.

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

11 (c) A judicial or administrative proceeding to ratify
12 paternity established in accordance with subsection (a) is
13 neither required nor permitted.

14 (d) A signed acknowledgment of paternity entered under this
15 Act or an administrative determination of paternity made
16 pursuant to Section 10-17.7 of the Illinois Public Aid Code may
17 be challenged in court only on the basis of fraud, duress, or
18 material mistake of fact, with the burden of proof upon the
19 challenging party. Pending outcome of the challenge to the
20 acknowledgment of paternity or administrative determination of
21 paternity, the legal responsibilities of the parties
22 ~~signatories~~ shall remain in full force and effect, except upon
23 order of the court upon a showing of good cause. A party
24 challenging an administrative determination of paternity made
25 pursuant to Section 10-17.7 of the Illinois Public Aid Code
26 must consent to and submit to deoxyribonucleic acid (DNA)

1 testing, in accordance with Department of Healthcare and Family
2 Services rules, in order to challenge paternity.

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

24 (Source: P.A. 92-16, eff. 6-28-01; 93-921, eff. 1-1-05;
25 93-1095, eff. 3-29-05.)

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.".