



Sen. Don Harmon

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LRB104 10837 JRC 26833 a

1 AMENDMENT TO HOUSE BILL 2568

2 AMENDMENT NO. _____. Amend House Bill 2568, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 1. References to Act. This Act may be referred to
6 as the Equality for Every Family Act.

7 Section 5. The Illinois Parentage Act of 2015 is amended
8 by changing Sections 102, 103, 105, 107, 201, 204, 205, 301,
9 302, 303, 305, 401, 402, 403, 404, 405, 407, 408, 501, 502,
10 601, 602, 603, 604, 605, 606, 608, 609, 610, 612, 614, 615,
11 617, 621, 622, 702, 703, 704, 705, 707, 708, 709, 710, and 903
12 and by adding Section 704.5 as follows:

13 (750 ILCS 46/102)

14 Sec. 102. Public policy. Illinois recognizes the right of
15 every child to the physical, mental, emotional, and financial

1 support of a parent or ~~his or her~~ parents. The parent-child
2 relationship, including support obligations, extends equally
3 to every child and to the child's ~~his or her~~ parent or to each
4 of the child's ~~his or her~~ 2 parents, regardless of the legal
5 relationship of the parents, and regardless of whether a
6 parent is a minor. A child shall have the same rights and
7 protections under law to parentage without regard to the
8 marital status, age, gender, gender identity or sexual
9 orientation of their parents or the circumstances of the
10 child's birth, including whether the child was born as a
11 result of assisted reproduction or surrogacy.

12 (Source: P.A. 99-85, eff. 1-1-16.)

13 (750 ILCS 46/103)

14 Sec. 103. Definitions. In this Act:

15 (a) "Acknowledged parent ~~father~~" means a person ~~man~~ who
16 has established a parent-child ~~father-child~~ relationship under
17 Article 3.

18 (b) "Adjudicated parent ~~father~~" means a person ~~man~~ who has
19 been adjudicated by a court of competent jurisdiction, or as
20 authorized under Article X of the Illinois Public Aid Code, to
21 be the parent ~~father~~ of a child.

22 (c) "Alleged genetic parent ~~father~~" means a person ~~man~~ who
23 alleges ~~himself~~ to be, or is alleged to be, a genetic parent
24 ~~the biological father or a possible biological father~~ of a
25 child, ~~but~~ whose parentage ~~paternity~~ has not been adjudicated

1 ~~established~~. The term does not include:

- 2 (1) a presumed parent or acknowledged parent ~~father~~;
3 ~~or~~
4 (2) a person ~~man~~ whose parental rights have been
5 terminated or declared not to exist; or
6 (3) a donor.

7 (d) "Assisted reproduction" means a method of achieving a
8 pregnancy through means other than by sexual intercourse,
9 including, but not limited to, all of the following: (1)
10 artificial insemination or intrauterine, intracervical, or
11 vaginal insemination; (2) donation of gametes; (3) donation of
12 embryos; (4) in vitro fertilization and embryo transfer; (5)
13 intracytoplasmic sperm injection; or (6) assisted reproductive
14 technology ~~an artificial insemination or an embryo transfer~~
15 ~~and includes gamete and embryo donation.~~ "Assisted
16 reproduction" does not include any pregnancy achieved through
17 sexual intercourse.

18 (e) "Child" means an individual of any age whose parentage
19 may be established under this Act.

20 (f) "Combined parentage ~~paternity~~ index" means the
21 likelihood of parentage ~~paternity~~ calculated by computing the
22 ratio between:

- 23 (1) the likelihood that the tested person ~~man~~ is the
24 parent ~~father~~, based on the genetic markers of the tested
25 person, woman or person who gave birth ~~man, mother,~~ and
26 child, conditioned on the hypothesis that the tested

1 person ~~man~~ is the parent ~~father~~ of the child; and

2 (2) the likelihood that the tested person ~~man~~ is not
3 the parent ~~father~~, based on the genetic markers of the
4 tested person, woman or person who gave birth ~~man, mother,~~
5 and child, conditioned on the hypothesis that the tested
6 person ~~man~~ is not the parent ~~father~~ of the child and that
7 the parent of the child ~~father~~ is of the same ethnic or
8 racial group as the tested person ~~man~~.

9 (g) "Commence" means to file the initial pleading seeking
10 an adjudication of parentage in the circuit court of this
11 State.

12 (h) "Determination of parentage" means the establishment
13 of the parent-child relationship by the signing of a voluntary
14 acknowledgment under Article 3 of this Act or adjudication by
15 the court or as authorized under Article X of the Illinois
16 Public Aid Code.

17 (i) "Donor" means a person who provides gametes intended
18 for use in assisted reproduction, whether or not for
19 compensation. "Donor" does not include a person who is a
20 parent under Article 7 or an intended parent under the
21 Gestational Surrogacy Act ~~an individual who participates in an~~
22 ~~assisted reproductive technology arrangement by providing~~
23 ~~gametes and relinquishes all rights and responsibilities to~~
24 ~~the gametes so that another individual or individuals may~~
25 ~~become the legal parent or parents of any resulting child.~~
26 ~~"Donor" does not include a spouse in any assisted reproductive~~

1 ~~technology arrangement in which his or her spouse will parent~~
2 ~~any resulting child.~~

3 (j) "Ethnic or racial group" means, for purposes of
4 genetic testing, a recognized group that an individual
5 identifies as all or part of the individual's ancestry or that
6 is so identified by other information.

7 (k) "Gamete" means either a sperm or an egg.

8 (l) "Genetic testing" means an analysis of genetic markers
9 to exclude or identify a person ~~man~~ as the parent ~~father or a~~
10 ~~woman as the mother~~ of a child as provided in Article 4 of this
11 Act.

12 (l-5) "Gestational surrogacy" means the process by which a
13 woman or person attempts to carry and give birth to a child
14 created through in vitro fertilization in which the
15 gestational surrogate has made no genetic contribution to any
16 resulting child.

17 (m) "Gestational surrogate" means a woman or person who is
18 not an intended parent and agrees to engage in a gestational
19 surrogacy arrangement pursuant to the terms of a valid
20 gestational surrogacy arrangement under the Gestational
21 Surrogacy Act.

22 (m-5) "Intended parent" means a person ~~person~~ who consents
23 to ~~enters into an~~ assisted reproduction ~~reproductive~~
24 ~~technology arrangement,~~ including a gestational surrogacy
25 agreement, such that the person is a ~~arrangement, under which~~
26 ~~he or she will be the legal~~ parent ~~parent~~ of the resulting

1 child. "Intended parent" includes, in the case of a married
2 couple, both spouses for all purposes under this Act.

3 (n) "Parent" means an individual who has established a
4 parent-child relationship under Section 201 of this Act.

5 (o) "Parent-child relationship" means the legal
6 relationship between a child and a parent of the child.

7 (p) "Presumed parent" means an individual who, by
8 operation of law under Section 204 of this Act, is recognized
9 as the parent of a child unless ~~until~~ that status is rebutted
10 or confirmed in a judicial or administrative proceeding.

11 (q) "Probability of parentage ~~paternity~~" means the
12 measure, for the ethnic or racial group to which the alleged
13 genetic parent ~~father~~ belongs, of the probability that the
14 person ~~man~~ in question is the parent ~~father~~ of the child,
15 compared with a random, unrelated person and ~~man~~ of the same
16 ethnic or racial group, expressed as a percentage
17 incorporating the combined parentage ~~paternity~~ index and a
18 prior probability.

19 (r) "Record" means information that is inscribed on a
20 tangible medium or that is stored in an electronic or other
21 medium and is retrievable in perceivable form.

22 (s) "Signatory" means an individual who authenticates a
23 record and is bound by its terms.

24 (t) "State" means a state of the United States, the
25 District of Columbia, Puerto Rico, the United States Virgin
26 Islands, or any territory or insular possession subject to the

1 jurisdiction of the United States.

2 (u) "Substantially similar legal relationship" means a
3 relationship recognized in this State under Section 60 of the
4 Illinois Religious Freedom Protection and Civil Union Act.

5 (v) "Support-enforcement agency" means a public official
6 or agency authorized to seek:

7 (1) enforcement of support orders or laws relating to
8 the duty of support;

9 (2) establishment or modification of child support;

10 (3) determination of parentage; or

11 (4) location of child-support obligors and their
12 income and assets.

13 (Source: P.A. 99-85, eff. 1-1-16; 99-763, eff. 1-1-17; 99-769,
14 eff. 1-1-17; 100-201, eff. 8-18-17.)

15 (750 ILCS 46/105)

16 Sec. 105. Authority to establish parentage. The circuit
17 courts are authorized to establish parentage under this Act.
18 The Department of Healthcare and Family Services may make an
19 administrative determination of parentage or non-parentage
20 ~~determinations of paternity and nonpaternity~~ in accordance
21 with Section 10-17.7 of the Illinois Public Aid Code. Such
22 administrative determinations shall have the full force and
23 effect of court judgments entered under this Act.

24 (Source: P.A. 99-85, eff. 1-1-16.)

1 (750 ILCS 46/107)

2 Sec. 107. Applicability. Insofar as practicable, the
3 provisions of this Act applicable to the parent ~~father~~ and
4 child relationship shall apply equally without regard to
5 gender ~~to the mother and child relationship~~ including, but not
6 limited to, the obligation to support.

7 (Source: P.A. 99-85, eff. 1-1-16.)

8 (750 ILCS 46/201)

9 Sec. 201. Establishment of parent-child relationship.

10 (a) The parent-child relationship is established between a
11 person ~~woman~~ and a child by:

12 (1) the woman or person having given birth to the
13 child, except as otherwise provided in the Gestational
14 Surrogacy Act;

15 (2) a presumption of the person's parentage of the
16 child under Section 204 of this Act unless the presumption
17 is overcome in a judicial proceeding or a valid denial of
18 parentage is made under Section 303 of this Act ~~an~~
19 ~~adjudication of the woman's parentage;~~

20 (3) an effective voluntary acknowledgment of parentage
21 by the person under Article 3 of this Act, unless the
22 acknowledgment has been rescinded or successfully
23 challenged ~~adoption of the child by the woman;~~

24 (4) an adjudication of the person's parentage; ~~a valid~~
25 ~~gestational surrogacy arrangement that complies with the~~

~~Gestational Surrogacy Act or other law; or~~

~~(5) the person's adoption of the child; an unrebutted presumption of the woman's parentage of the child under Section 204 of this Act~~

~~(6) the person's consent to assisted reproduction under Article 7 of this Act; or~~

~~(7) the person's parentage of the child is established under the provisions of the Gestational Surrogacy Act.~~

~~(b) (Blank). The parent-child relationship is established between a man and a child by:~~

~~(1) an unrebutted presumption of the man's parentage of the child under Section 204 of this Act;~~

~~(2) an effective voluntary acknowledgment of paternity by the man under Article 3 of this Act, unless the acknowledgment has been rescinded or successfully challenged;~~

~~(3) an adjudication of the man's parentage;~~

~~(4) adoption of the child by the man; or~~

~~(5) a valid gestational surrogacy arrangement that complies with the Gestational Surrogacy Act or other law.~~

~~(c) (Blank). Insofar as practicable, the provisions of this Act applicable to parent-child relationships shall apply equally to men and women as parents, including, but not limited to, the obligation to support.~~

(Source: P.A. 99-85, eff. 1-1-16; 99-769, eff. 1-1-17.)

1 (750 ILCS 46/204)

2 Sec. 204. Presumption of parentage.

3 (a) A person is presumed to be the parent of a child if:

4 (1) the person and the woman or person who gave birth
5 to ~~mother~~ of the child have entered into a marriage, civil
6 union, or substantially similar legal relationship, and
7 the child is born, to the woman or person who gave birth to
8 the child, ~~mother~~ during the marriage, civil union, or
9 substantially similar legal relationship, except as
10 provided in the Gestational Surrogacy Act or other law;

11 (2) the person and the woman or person who gave birth
12 to ~~mother~~ of the child were in a marriage, civil union, or
13 substantially similar legal relationship and the child is
14 born, to the woman or person who gave birth to the child,
15 ~~mother~~ within 300 days after the marriage, civil union, or
16 substantially similar legal relationship is terminated by
17 death, declaration of invalidity of marriage, judgment for
18 dissolution of marriage, civil union, or substantially
19 similar legal relationship, or after a judgment for legal
20 separation, except as provided in the Gestational
21 Surrogacy Act or other law;

22 (3) before the birth of the child, the person and the
23 woman or person who gave birth to ~~mother~~ of the child
24 entered into a marriage, civil union, or substantially
25 similar legal relationship in apparent compliance with
26 law, even if the attempted marriage, civil union, or

1 substantially similar legal relationship is or could be
2 declared invalid, and the child is born during the invalid
3 marriage, civil union, or substantially similar legal
4 relationship or within 300 days after its termination by
5 death, declaration of invalidity of marriage, judgment for
6 dissolution of marriage, civil union, or substantially
7 similar legal relationship, or after a judgment for legal
8 separation, except as provided in the Gestational
9 Surrogacy Act or other law; or

10 (4) after the child's birth, the person and the woman
11 or person who gave birth to the child ~~child's mother~~ have
12 entered into a marriage, civil union, or substantially
13 similar legal relationship, even if the marriage, civil
14 union, or substantially similar legal relationship is or
15 could be declared invalid, and the person is named, with
16 the person's written consent, as the child's parent on the
17 child's birth certificate.

18 (b) If 2 or more conflicting presumptions arise under this
19 Section, the presumption which on the facts is founded on the
20 weightier considerations of policy and logic, especially the
21 policy of promoting the child's best interests, controls. In
22 weighing the presumptions, the court shall consider the
23 factors enumerated in paragraph (3) of subsection (a) of
24 Section 610.

25 (Source: P.A. 99-85, eff. 1-1-16; 99-769, eff. 1-1-17.)

1 (750 ILCS 46/205)

2 Sec. 205. Proceedings to declare the non-existence of the
3 parent-child relationship.

4 (a) An action to declare the non-existence of the
5 parent-child relationship may be brought by the child, the
6 woman or person who gave birth to the child ~~mother~~, or a person
7 presumed to be a parent under Section 204 of this Act. Actions
8 brought by the child, the woman or person who gave birth to the
9 child ~~mother~~, or a presumed parent shall be brought by
10 verified complaint, which shall be designated a petition.
11 After a presumption under Section 204 of this Act has been
12 rebutted, parentage of the child by another person ~~man or~~
13 ~~woman~~ may be established in the same action, if such person ~~he~~
14 ~~or she~~ has been made a party.

15 (b) An action to declare the non-existence of the
16 parent-child relationship brought under subsection (a) of this
17 Section shall be barred if brought later than 2 years after the
18 petitioner knew or should have known of the relevant facts.
19 The 2-year period for bringing an action to declare the
20 non-existence of the parent-child relationship shall not
21 extend beyond the date on which the child reaches the age of 18
22 years. Failure to bring an action within 2 years shall not bar
23 any party from asserting a defense in any action to declare the
24 existence of the parent-child relationship.

25 (c) An action to declare the non-existence of the
26 parent-child relationship may be brought subsequent to an

1 adjudication of parentage in any judgment by the person ~~man~~
2 adjudicated to be the parent pursuant to a presumption in
3 paragraphs (a)(1) through (a)(4) of Section 204 if, as a
4 result of deoxyribonucleic acid (DNA) testing, it is
5 discovered that the person ~~man~~ adjudicated to be the parent is
6 not the parent ~~father~~ of the child. Actions brought by the
7 adjudicated parent ~~father~~ shall be brought by verified
8 petition. If, as a result of the deoxyribonucleic acid (DNA)
9 testing that is admissible under Section 614 of this Act, the
10 petitioner is determined not to be the parent ~~father~~ of the
11 child, the adjudication of parentage ~~paternity~~ and any orders
12 regarding the allocation of parental responsibilities,
13 parenting time, and future payments of support may be vacated.
14 This provision shall not apply to actions involving parentage
15 of children born through assisted reproduction.

16 (d) An action to declare the non-existence of the
17 parent-child relationship brought under subsection (c) of this
18 Section shall be barred if brought more than 2 years after the
19 petitioner obtains actual knowledge of relevant facts. The
20 2-year period shall not apply to periods of time where the
21 woman or person who gave birth to the child ~~mother~~ or the child
22 refuses to submit to deoxyribonucleic acid (DNA) testing. The
23 2-year period for bringing an action to declare the
24 non-existence of the parent-child relationship shall not
25 extend beyond the date on which the child reaches the age of 18
26 years.

1 (Source: P.A. 99-85, eff. 1-1-16; 99-769, eff. 1-1-17.)

2 (750 ILCS 46/301)

3 Sec. 301. Voluntary acknowledgment. A parent-child
4 relationship may be established voluntarily by the signing and
5 witnessing of a voluntary acknowledgment in accordance with
6 Section 12 of the Vital Records Act and Section 10-17.7 of the
7 Illinois Public Aid Code. A woman or person who gave birth to a
8 child and an alleged genetic parent of the child, a presumed
9 parent under Section 204, or an intended parent under Article
10 7, may sign an acknowledgment of parentage to establish the
11 parentage of the child. The voluntary acknowledgment shall
12 contain the social security numbers or tax identification
13 numbers of the persons signing the voluntary acknowledgment;
14 however, failure to include the social security numbers of the
15 persons signing a voluntary acknowledgment does not invalidate
16 the voluntary acknowledgment.

17 (Source: P.A. 99-85, eff. 1-1-16; 99-769, eff. 1-1-17.)

18 (750 ILCS 46/302)

19 Sec. 302. Execution of voluntary acknowledgment.

20 (a) A voluntary acknowledgment described in Section 301 of
21 this Act must:

22 (1) be in a record;

23 (2) be signed, or otherwise authenticated, under
24 penalty of perjury by the woman or person who gave birth to

1 the child ~~mother~~ and by the person ~~man~~ seeking to
2 establish ~~his~~ parentage;

3 (3) state that the child whose parentage is being
4 acknowledged:

5 (A) does not have a presumed parent, or has a
6 presumed parent whose full name is stated; and

7 (B) does not have another acknowledged or
8 adjudicated parent;

9 (4) be witnessed; and

10 (5) state that the signatories understand that the
11 voluntary acknowledgment is the equivalent of a judicial
12 adjudication of parentage of the child and that: (i) a
13 challenge by a signatory to the voluntary acknowledgment
14 may be permitted only upon a showing of fraud, duress, or
15 material mistake of fact; and (ii) a challenge to the
16 voluntary acknowledgment is barred after 2 years unless
17 that period is tolled pursuant to the law.

18 (b) An acknowledgment is void if it:

19 (1) states that another person is a presumed parent,
20 unless a denial signed or otherwise authenticated by the
21 presumed parent is filed with the Department of Healthcare
22 and Family Services, as provided by law;

23 (2) states that another person is an acknowledged or
24 adjudicated parent; or

25 (3) falsely denies the existence of a presumed,
26 acknowledged, or adjudicated parent of the child.

1 (c) A presumed parent ~~father~~ may sign or otherwise
2 authenticate a voluntary acknowledgment.

3 (Source: P.A. 99-85, eff. 1-1-16; 99-769, eff. 1-1-17.)

4 (750 ILCS 46/303)

5 Sec. 303. Denial of parentage. A presumed parent may sign
6 a denial of parentage. The denial is valid only if:

7 (a) a voluntary acknowledgment described in Section
8 301 of this Act signed, or otherwise authenticated, by a
9 person ~~man~~ is filed pursuant to Section 305 of this Act;

10 (b) the denial is in a record, and is signed, or
11 otherwise authenticated, under penalty of perjury; and

12 (c) the presumed parent has not previously:

13 (1) acknowledged ~~his~~ parentage, unless the
14 previous voluntary acknowledgment has been rescinded
15 under Section 307 of this Act or successfully
16 challenged under Section 308 of this Act; or

17 (2) been adjudicated to be the parent of the
18 child.

19 (Source: P.A. 99-85, eff. 1-1-16; 99-769, eff. 1-1-17.)

20 (750 ILCS 46/305)

21 Sec. 305. Effect of voluntary acknowledgment or denial of
22 parentage.

23 (a) Except as otherwise provided in Sections 307 and 308
24 of this Act, a valid voluntary acknowledgment filed with the

1 Department of Healthcare and Family Services, as provided by
2 law, is equivalent to an adjudication of the parentage of a
3 child and confers upon the acknowledged parent ~~father~~ all of
4 the rights and duties of a parent.

5 (b) Notwithstanding any other provision of this Act,
6 parentage established in accordance with Section 301 of this
7 Act has the full force and effect of a judgment entered under
8 this Act and serves as a basis for seeking a child support
9 order without any further proceedings to establish parentage.

10 (c) Except as otherwise provided in Sections 307 and 308
11 of this Act, a valid denial by a presumed parent filed with the
12 Department of Healthcare and Family Services, as provided by
13 law, in conjunction with a voluntary acknowledgment, is
14 equivalent to an adjudication of the nonparentage of the
15 presumed parent and discharges the presumed parent from all
16 rights and duties of a parent.

17 (Source: P.A. 99-85, eff. 1-1-16; 99-769, eff. 1-1-17.)

18 (750 ILCS 46/401)

19 Sec. 401. Proceeding authorized.

20 (a) As soon as practicable, a court, or an administrative
21 hearing officer in an Expedited Child Support System may,
22 subject to subsection (c), order or direct a woman or person
23 who gave birth to the child, the child, and an alleged,
24 acknowledged parent, adjudicated parent, or the presumed
25 parent to submit to deoxyribonucleic acid (DNA) testing to

1 determine inherited characteristics.

2 (b) A court, or an administrative hearing officer in an
3 Expedited Child Support System, upon the request of any party,
4 or the child, shall, subject to subsection (c), order or
5 direct a woman or person who gave birth to the child, the
6 child, and a presumed, acknowledged, alleged, or adjudicated
7 parent to submit to deoxyribonucleic acid (DNA) testing to
8 determine inherited characteristics unless the court
9 determines that (1) the conduct of the parent, acknowledged
10 parent, adjudicated parent, or the presumed parent estops that
11 party from denying parentage; (2) it would be inequitable to
12 disprove the parent-child relationship between the child and
13 the presumed, acknowledged, or adjudicated parent, and (3)
14 that it is in the child's best interest to deny DNA testing
15 considering the factors in Section 610(a)(3). It is presumed
16 to be equitable and in the best interest of the child to grant
17 a motion by the child seeking an order for genetic testing. The
18 presumption may be overcome by clear and convincing evidence
19 that extraordinary circumstances exist making the genetic
20 testing contrary to the child's best interests. The court's
21 order denying a child's request for genetic testing must state
22 the basis upon which the presumption was overcome. The court's
23 order granting a child's request for genetic testing must
24 specify the ways in which testing results may be used for
25 purposes of protecting the child's best interests. In a
26 proceeding involving the application of this Section, a minor

1 or incapacitated child must be represented by a guardian ad
2 litem, child's representative, or attorney for the child.

3 (c) Genetic testing may not be used to (1) challenge the
4 parentage of a person who is a parent under Article 7 or the
5 Gestational Surrogacy Act, inclusive, or (2) establish the
6 parentage of a person who is a donor.

7 ~~As soon as practicable, a court or an administrative hearing~~
8 ~~officer in an Expedited Child Support System may, and upon the~~
9 ~~request of a party except as provided in Section 610 of this~~
10 ~~Act, or of the child, shall order or direct the mother, child,~~
11 ~~and alleged father to submit to deoxyribonucleic acid (DNA)~~
12 ~~testing to determine inherited characteristics. If any party~~
13 ~~refuses to submit to genetic testing, the court may resolve~~
14 ~~the question of paternity against that party or enforce its~~
15 ~~order if the rights of others and the interests of justice so~~
16 ~~require.~~

17 (Source: P.A. 99-85, eff. 1-1-16.)

18 (750 ILCS 46/402)

19 Sec. 402. Requirements for genetic testing.

20 (a) The genetic testing shall be conducted by an expert
21 qualified as an examiner of blood or tissue types and
22 appointed by the court. The expert shall determine the genetic
23 testing procedures. However, any interested party, for good
24 cause shown, in advance of the scheduled genetic testing, may
25 request a hearing to object to the qualifications of the

1 expert or the genetic testing procedures. The expert appointed
2 by the court shall testify at the pre-test hearing at the
3 expense of the party requesting the hearing, except for an
4 indigent party as provided in Section 405 of this Act. An
5 expert not appointed by the court shall testify at the
6 pre-test hearing at the expense of the party retaining the
7 expert. Inquiry into an expert's qualifications at the
8 pre-test hearing shall not affect either party's right to have
9 the expert qualified at trial.

10 (b) Genetic testing must be of a type reasonably relied
11 upon by experts in the field of genetic testing and performed
12 in a testing laboratory accredited by the American Association
13 of Blood Banks or a successor to its functions.

14 (c) A specimen used in genetic testing may consist of one
15 or more samples, or a combination of samples, of blood, buccal
16 cells, bone, hair, or other body tissue or fluid.

17 (d) The testing laboratory shall determine the databases
18 from which to select frequencies for use in calculation of the
19 probability of parentage ~~paternity~~ based on the ethnic or
20 racial group of an individual or individuals. If there is
21 disagreement as to the testing laboratory's choice, the
22 following rules apply:

23 (1) The individual objecting may require the testing
24 laboratory, within 30 days after receipt of the report of
25 the genetic testing, to recalculate the probability of
26 parentage ~~paternity~~ using an ethnic or racial group

1 different from that used by the laboratory.

2 (2) The individual objecting to the testing
3 laboratory's initial choice shall:

4 (A) if the frequencies are not available to the
5 testing laboratory for the ethnic or racial group
6 requested, provide the requested frequencies compiled
7 in a manner recognized by accrediting bodies; or

8 (B) engage another testing laboratory to perform
9 the calculations.

10 (e) If, after recalculation using a different ethnic or
11 racial group, genetic testing does not reputably identify a
12 person ~~man~~ as the parent ~~father~~ of a child, an individual who
13 has been tested may be required to submit to additional
14 genetic testing.

15 (Source: P.A. 99-85, eff. 1-1-16.)

16 (750 ILCS 46/403)

17 Sec. 403. Genetic test results.

18 (a) The expert shall prepare a written report of the
19 genetic test results. If the genetic test results show that
20 the alleged genetic parent ~~father~~ is not excluded, the report
21 shall contain statistics based upon the statistical formula of
22 combined parentage ~~paternity~~ index (CPI) and the probability
23 of parentage ~~paternity~~ as determined by the probability of
24 exclusion (Random Person ~~Man~~ Not Excluded = RPNE ~~RMNE~~). The
25 expert may be called by the court as a witness to testify to

1 the expert's ~~his or her~~ findings and, if called, shall be
2 subject to cross-examination by the parties. If the genetic
3 test results show that the alleged genetic parent ~~father~~ is
4 not excluded, any party may demand that other experts,
5 qualified as examiners of blood or tissue types, perform
6 independent genetic testing under order of court, including,
7 but not limited to, blood types or other testing of genetic
8 markers. The results of the genetic testing may be offered
9 into evidence. The number and qualifications of the experts
10 shall be determined by the court.

11 (b) Documentation of the chain of custody of the blood or
12 tissue samples, accompanied by an affidavit or certification
13 in accordance with Section 1-109 of the Code of Civil
14 Procedure, is competent evidence to establish the chain of
15 custody.

16 (c) The report of the genetic test results prepared by the
17 appointed expert shall be made by affidavit or by
18 certification as provided in Section 1-109 of the Code of
19 Civil Procedure and shall be mailed to all parties. A proof of
20 service shall be filed with the court. The verified report
21 shall be admitted into evidence at trial without foundation
22 testimony or other proof of authenticity or accuracy, unless a
23 written motion challenging the admissibility of the report is
24 filed by either party within 28 days of receipt of the report,
25 in which case expert testimony shall be required. A party may
26 not file such a motion challenging the admissibility of the

1 report later than 28 days before commencement of trial. Before
2 trial, the court shall determine whether the motion is
3 sufficient to deny admission of the report by verification.
4 Failure to make that timely motion constitutes a waiver of the
5 right to object to admission by verification and shall not be
6 grounds for a continuance of the hearing to establish
7 parentage ~~paternity~~.

8 (Source: P.A. 99-85, eff. 1-1-16.)

9 (750 ILCS 46/404)

10 Sec. 404. Effect of genetic testing. Genetic testing taken
11 under this Article shall have the following effect:

12 (a) If the court finds that the conclusion of the
13 expert or experts, as disclosed by the evidence based upon
14 the genetic testing, is that the alleged genetic parent
15 ~~father~~ is not the parent of the child, the question of
16 parentage ~~paternity~~ shall be resolved accordingly.

17 (b) If the experts disagree in their findings or
18 conclusions, the question shall be weighed with other
19 competent evidence of parentage ~~paternity~~.

20 (c) If the genetic testing results indicate that the
21 alleged genetic parent ~~father~~ is not excluded and that the
22 combined parentage ~~paternity~~ index is at least 1,000 to 1,
23 and there is at least a 99.9% probability of parentage
24 ~~paternity~~, the alleged genetic parent ~~father~~ is presumed
25 to be the parent ~~father~~, and this evidence shall be

1 admitted.

2 (d) A person ~~man~~ identified under subsection (c) of
3 this Section as the parent ~~father~~ of the child may rebut
4 the genetic testing results by other genetic testing
5 satisfying the requirements of this Article which:

6 (1) excludes the person ~~man~~ as a genetic parent
7 ~~father~~ of the child; or

8 (2) identifies another person ~~man~~ as the possible
9 parent ~~father~~ of the child.

10 (e) Except as otherwise provided in this Article, if
11 more than one person ~~man~~ is identified by genetic testing
12 as the possible parent ~~father~~ of the child, the court
13 shall order them to submit to further genetic testing to
14 identify the genetic parent ~~father~~.

15 (Source: P.A. 99-85, eff. 1-1-16.)

16 (750 ILCS 46/405)

17 Sec. 405. Cost of genetic testing. The expense of the
18 genetic testing shall be paid by the party who requests the
19 genetic testing, except that the court may apportion the costs
20 between the parties, upon request. When the genetic testing is
21 requested by the party seeking to establish parentage
22 ~~paternity~~ and that party is found to be indigent by the court,
23 the expense shall be paid by the public agency providing
24 representation; except that where a public agency is not
25 providing representation, the expense shall be paid by the

1 county in which the action is brought. When the genetic
2 testing is ordered by the court on its own motion or is
3 requested by the alleged or presumed parent ~~father~~ and that
4 parent ~~father~~ is found to be indigent by the court, the expense
5 shall be paid by the county in which the action is brought. Any
6 part of the expense may be taxed as costs in the action, except
7 that no costs may be taxed against a public agency that has not
8 requested the genetic testing.

9 (Source: P.A. 99-85, eff. 1-1-16.)

10 (750 ILCS 46/407)

11 Sec. 407. Independent genetic testing. Nothing in this
12 Article shall prevent a party from obtaining genetic testing
13 of the party's ~~his or her~~ own blood or tissue independent of
14 those ordered by the court or from presenting expert testimony
15 interpreting those tests or any other blood tests ordered
16 under this Article. Reports of all the independent tests,
17 accompanied by affidavit or certification pursuant to Section
18 1-109 of the Code of Civil Procedure, and notice of any expert
19 witnesses to be called to testify to the results of those tests
20 shall be submitted to all parties at least 30 days before any
21 hearing set to determine the issue of parentage.

22 (Source: P.A. 99-85, eff. 1-1-16.)

23 (750 ILCS 46/408)

24 Sec. 408. Additional persons to be tested.

1 (a) Subject to subsection (b), if a genetic-testing
2 specimen is not available from a person ~~man~~ who may be the
3 parent ~~father~~ of a child, for good cause and under
4 circumstances the court considers to be just, the court may
5 order the following individuals to submit specimens for
6 genetic testing:

7 (1) the parents of the person ~~man~~;

8 (2) brothers and sisters of the person ~~man~~;

9 (3) other children of the person and the woman or
10 person who gave birth to the person ~~man and their mothers~~;
11 and

12 (4) other relatives of the person ~~man~~ necessary to
13 complete genetic testing.

14 (b) Issuance of an order under this Section requires a
15 finding that a need for genetic testing outweighs the
16 legitimate interests of the individual sought to be tested,
17 and in no event shall an order be issued until the individual
18 is joined as a party and given notice as required under the
19 Code of Civil Procedure.

20 (Source: P.A. 99-85, eff. 1-1-16.)

21 (750 ILCS 46/501)

22 Sec. 501. Temporary orders.

23 (a) On a motion by a party and a showing of clear and
24 convincing evidence of parentage, the court shall issue a
25 temporary order for support of a child, including a non-minor

1 child with a disability, if the order is appropriate and the
2 individual ordered to pay support is:

- 3 (1) a presumed parent of the child;
- 4 (2) petitioning to have parentage adjudicated;
- 5 (3) identified as the parent ~~father~~ through genetic
6 testing under Article 4 of this Act;
- 7 (4) an alleged genetic parent ~~father~~ who has declined
8 to submit to genetic testing;
- 9 (5) shown by clear and convincing evidence to be the
10 child's parent ~~father~~;
- 11 (6) the woman or person who gave birth to ~~mother of~~ the
12 child except under the Gestational Surrogacy Act; or
- 13 (7) anyone else determined to be the child's parent.

14 In determining the amount of a temporary child support
15 award, the court shall use the guidelines and standards set
16 forth in Sections 505, 505.2, and 513.5 of the Illinois
17 Marriage and Dissolution of Marriage Act.

18 (b) A temporary order may include provisions for the
19 allocation of parental responsibilities and parenting time as
20 provided by the Illinois Marriage and Dissolution of Marriage
21 Act. A temporary order may, in accordance with the provisions
22 of subsection (a) of Section 508 of the Illinois Marriage and
23 Dissolution of Marriage Act that relate to proceedings other
24 than pre-judgment dissolution proceedings, include an award
25 for interim attorney's fees and costs.

26 (c) Temporary orders issued under this Section shall not

1 have prejudicial effect with respect to final child support,
2 the allocation of parental responsibilities, or parenting time
3 orders.

4 (Source: P.A. 99-85, eff. 1-1-16; 99-769, eff. 1-1-17.)

5 (750 ILCS 46/502)

6 Sec. 502. Injunctive relief.

7 (a) In any action brought under this Act for the initial
8 determination of parentage, the allocation of parental
9 responsibilities or parenting time, or for modification of a
10 prior allocation order or judgment or parenting time order,
11 the court, upon application of a party, may enjoin a party
12 having physical possession or an allocation order or judgment
13 from temporarily relocating the child from this State pending
14 the adjudication of the issues of parentage, the allocation of
15 parental responsibilities, and parenting time. When deciding
16 whether to enjoin relocation of a child, or to order a party to
17 return the child to this State, the court shall consider
18 factors including, but not limited to:

19 (1) the extent of previous involvement with the child
20 by the party seeking to enjoin relocation or to have the
21 absent party return the child to this State;

22 (2) the likelihood that parentage will be established;
23 and

24 (3) the impact on the financial, physical, and
25 emotional health of the party being enjoined from

1 relocating the child or the party being ordered to return
2 the child to this State.

3 (b) A temporary restraining order or preliminary
4 injunction under this Act shall be governed by the relevant
5 provisions of Part 1 of Article XI of the Code of Civil
6 Procedure.

7 (c) Notwithstanding the provisions of subsection (a) of
8 this Section, the court may decline to enjoin a domestic
9 violence victim having physical possession or an allocation
10 order or judgment from temporarily or permanently relocating
11 the child from this State pending an allocation of parental
12 responsibilities or an adjudication of parenting time. In
13 determining whether a person is a domestic violence victim,
14 the court shall consider the following factors:

15 (1) a sworn statement by the person that the person
16 has good reason to believe that the person ~~he or she~~ is the
17 victim of domestic violence or stalking;

18 (2) a sworn statement that the person fears for the
19 person's ~~his or her~~ safety or the safety of the person's
20 ~~his or her~~ children;

21 (3) evidence from police, court, or other government
22 agency records or files;

23 (4) documentation from a domestic violence program if
24 the person is alleged to be a victim of domestic violence;

25 (5) documentation from a legal, clerical, medical, or
26 other professional from whom the person has sought

1 assistance in dealing with the alleged domestic violence;
2 and

3 (6) any other evidence that supports the sworn
4 statements, such as a statement from any other individual
5 with knowledge of the circumstances that provides the
6 basis for the claim, or physical evidence of the domestic
7 violence.

8 (Source: P.A. 99-85, eff. 1-1-16; 99-769, eff. 1-1-17.)

9 (750 ILCS 46/601)

10 Sec. 601. Proceeding authorized. A civil proceeding may be
11 maintained to adjudicate the parentage of a child. The
12 proceeding is governed by the Code of Civil Procedure and
13 Illinois Supreme Court Rules. Administrative proceedings
14 adjudicating parentage ~~paternity~~ shall be governed by Section
15 10-17.7 of the Illinois Public Aid Code.

16 (Source: P.A. 99-85, eff. 1-1-16.)

17 (750 ILCS 46/602)

18 Sec. 602. Standing. A complaint to adjudicate parentage
19 shall be verified, shall be designated a petition, and shall
20 name the person or persons alleged to be the parent of the
21 child. Subject to Article 3 and Sections 607, 608, and 609 of
22 this Act, a proceeding to adjudicate parentage may be
23 maintained by:

24 (a) the child;

1 (b) the woman or person who gave birth to ~~mother of~~ the
2 child;

3 (c) a pregnant woman or person;

4 (d) a person ~~man~~ presumed or alleged ~~alleging himself~~
5 to be the parent of the child;

6 ~~(e) a woman presumed or alleging herself to be the~~
7 ~~parent of the child;~~

8 (e) ~~(f)~~ the support-enforcement agency or other
9 governmental agency authorized by other law;

10 (f) ~~(g)~~ any person or public agency that has physical
11 possession of or has custody of or has been allocated
12 parental responsibilities for, is providing financial
13 support to, or has provided financial support to the
14 child;

15 (g) ~~(h)~~ the Department of Healthcare and Family
16 Services if it is providing, or has provided, financial
17 support to the child or if it is assisting with child
18 support collections services;

19 (h) ~~(i)~~ an authorized adoption agency or licensed
20 child welfare agency;

21 (i) ~~(j)~~ a representative authorized by law to act for
22 an individual who would otherwise be entitled to maintain
23 a proceeding but who is deceased, incapacitated, or a
24 minor; or

25 (j) ~~(k)~~ an intended parent.

26 (Source: P.A. 103-501, eff. 1-1-24.)

1 (750 ILCS 46/603)

2 Sec. 603. Subject matter and personal jurisdiction.

3 (a) The circuit courts of this State shall have
4 jurisdiction of an action brought under this Act. In a civil
5 action not brought under this Act, the provisions of this Act
6 shall apply if parentage is at issue. The court may join any
7 action under this Act with any other civil action in which this
8 Act is applicable.

9 (b) An individual may not be adjudicated to be a parent
10 unless the court has personal jurisdiction over the
11 individual.

12 (c) A court of this State having jurisdiction to
13 adjudicate parentage may exercise personal jurisdiction over a
14 nonresident individual, or the guardian or conservator of the
15 individual, if the conditions prescribed in Section 201 of the
16 Uniform Interstate Family Support Act exist, including, but
17 not limited to: if the individual engaged in sexual
18 intercourse in this State and the child may have been
19 conceived by that act of intercourse; the individual consented
20 to assisted reproduction that occurred in this State that
21 resulted in the conception of the child; if the individual
22 consented to a medical procedure that occurred in this State
23 related to assisted reproduction that resulted in the
24 conception of the child; if the child was born or is
25 anticipated to be born in this State; an individual consented

1 to a mental health consultation that occurred in this State
2 pursuant to the Gestational Surrogacy Act, or there is any
3 other basis consistent with the constitutions of this State
4 and the United States for the exercise of personal
5 jurisdiction ~~are fulfilled.~~

6 (d) Lack of jurisdiction over one individual does not
7 preclude the court from making an adjudication of parentage
8 binding on another individual over whom the court has personal
9 jurisdiction.

10 (Source: P.A. 99-85, eff. 1-1-16.)

11 (750 ILCS 46/604)

12 Sec. 604. Venue.

13 (a) Venue for a proceeding to adjudicate parentage is any
14 county of this State in which a party resides, or if the
15 presumed parent or alleged genetic parent ~~father~~ is deceased,
16 in which a proceeding for probate or administration of the
17 presumed parent's or alleged genetic parent's ~~father's~~ estate
18 has been commenced, or could be commenced.

19 (b) A proceeding for the allocation of parental
20 responsibilities is commenced in the county where the child
21 resides.

22 (c) A parentage proceeding under the Gestational Surrogacy
23 Act or Article 7 of this Act may be commenced in any county in
24 this State.

25 (Source: P.A. 99-85, eff. 1-1-16; 99-769, eff. 1-1-17.)

1 (750 ILCS 46/605)

2 Sec. 605. Notice to presumed parent.

3 (a) Except in cases governed under the Gestational
4 Surrogacy Act, the petitioner shall give notice of a
5 proceeding to adjudicate parentage to the following
6 individuals:

7 (1) the woman or individual who gave birth to the
8 child, unless a court has adjudicated that the woman or
9 individual is not a parent;

10 (2) an individual who is a parent of the child under
11 this Act;

12 (3) a presumed, acknowledged, or adjudicated parent of
13 the child; and

14 (4) an individual whose parentage is to be
15 adjudicated.

16 (b) An individual entitled to notice under subsection (a)
17 has a right to intervene in the proceeding.

18 (c) Lack of notice required by subsection (a) does not
19 render a judgment void. Lack of notice does not preclude an
20 individual entitled to notice under subsection (a) from
21 bringing a proceeding under subsection (b) of Section 609.

22 (d) A ~~In any action brought under Article 3 or Article 6 of~~
23 ~~this Act where the individual signing the petition for an~~
24 ~~order establishing the existence of the parent child~~
25 ~~relationship by consent or the individual alleged to be the~~

1 ~~parent in a petition is different from an individual who is~~
2 ~~presumed to be the parent of the child under Article 2 of this~~
3 ~~Act,~~ a notice required by this Section shall be served on the
4 individual ~~presumed parent~~ in the same manner as summonses are
5 served in other civil proceedings or, in lieu of personal
6 service, service may be made as follows:

7 (1) The petitioner ~~person requesting notice~~ shall pay
8 to the clerk of the circuit court a mailing fee of \$1.50
9 and furnish to the clerk of the circuit court an original
10 and one copy of a notice together with an affidavit
11 setting forth the individual's ~~presumed parent's~~ last
12 known address. The original notice shall be retained by
13 the clerk of the circuit court.

14 (2) The clerk of the circuit court shall promptly mail
15 to the individual ~~presumed parent~~, at the address
16 appearing in the affidavit, the copy of the notice by
17 certified mail, return receipt requested. The envelope and
18 return receipt shall bear the return address of the clerk
19 of the circuit court. The receipt for certified mail shall
20 state the name and address of the addressee and the date of
21 mailing and shall be attached to the original notice.

22 (3) The return receipt, when returned to the clerk of
23 the circuit court, shall be attached to the original
24 notice and shall constitute proof of service.

25 (4) The clerk of the circuit court shall note the fact
26 of service in a permanent record.

1 (e) ~~(b)~~ The notice shall read as follows:

2 "IN THE MATTER OF NOTICE TO INDIVIDUAL ~~PRESUMED~~
3 ~~PARENT~~.

4 You have been identified as an individual with a claim to
5 parentage ~~the presumed parent~~ of, born on
6 The woman or person who gave birth to ~~birth parent~~ of the child
7 is

8 An action is being brought to establish the parent-child
9 relationship between the named child and a parent named by the
10 person filing this action,

11 You may ~~As the presumed parent, you~~ have certain legal
12 rights with respect to the named child, including the right to
13 notice of the filing of proceedings instituted for the
14 establishment of parentage of the named child and, in some
15 situations ~~if named as a parent in a petition to establish~~
16 ~~parentage~~, the right to submit to, along with the woman or
17 person who gave birth to the child ~~birth parent~~ and the child,
18 deoxyribonucleic acid (DNA) tests to determine inherited
19 characteristics, subject to Section 401 ~~610~~ of the Illinois
20 Parentage Act of 2015. If you wish to assert your rights with
21 respect to the child named in this notice, you must file with
22 the Clerk of this Circuit Court of County, Illinois,
23 whose address is, within 30 days after the date of
24 receipt of this notice, ~~a declaration of parentage stating~~
25 ~~that you are, in fact, the parent of the named child and that~~
26 you intend to assert your legal rights with respect to the

1 child, or that you request to be notified of any further
2 proceedings with respect to the parentage of the child.

3 If you do not file ~~a declaration of parentage or~~ a request
4 for notice, then you may be later barred from asserting
5 parentage claims ~~whatever legal rights you have~~ with respect
6 to the named child, and ~~including the right to notice of any~~
7 ~~future proceedings for the establishment of parentage of the~~
8 ~~child, may be terminated without any further notice to you.~~
9 ~~When your legal rights with respect to the named child are~~
10 ~~terminated,~~ you will not be entitled to notice of any future
11 proceedings.".

12 (f) ~~(e)~~ The notice ~~to a presumed parent~~ under this Section
13 in any action brought by a public agency shall be prepared and
14 mailed by the public agency, and the mailing fee to the clerk
15 of the circuit court shall be waived.

16 (Source: P.A. 99-85, eff. 1-1-16.)

17 (750 ILCS 46/606)

18 Sec. 606. Summons. The summons that is served on a
19 respondent shall include the return date on or by which the
20 respondent must appear and shall contain the following
21 information, in a prominent place and in conspicuous language,
22 in addition to the information required to be provided under
23 the laws of this State: "If you do not appear as instructed in
24 this summons, you may be required to support the child named in
25 this petition until the child is at least 18 years old. You may

1 also have to pay the pregnancy and delivery costs of the woman
2 or person who gave birth ~~mother~~".

3 (Source: P.A. 99-85, eff. 1-1-16.)

4 (750 ILCS 46/608)

5 Sec. 608. Limitation; child having presumed parent.

6 (a) An action to challenge a presumption of parentage
7 under Section 204 of this Act must be commenced by an
8 individual other than the child ~~An alleged father, as that~~
9 ~~term is defined in Section 103 of this Act, must commence an~~
10 ~~action to establish a parent-child relationship for a child~~
11 ~~having a presumed parent~~ not later than 2 years after the
12 petitioner knew or should have known of the relevant facts.
13 The time the petitioner is under legal disability or duress or
14 the ground for relief is fraudulently concealed shall be
15 excluded in computing the period of 2 years. The 2-year
16 limitation does not apply to an action by the child.

17 (b) A proceeding seeking to declare the non-existence of
18 the parent-child relationship between a child and the child's
19 presumed parent ~~father~~ may be maintained at any time by a
20 person described in paragraphs (1) through (4) of subsection
21 (a) of Section 204 of this Act if the court determines that the
22 presumed parent ~~father~~ and the woman or individual who gave
23 birth to ~~mother of~~ the child neither cohabited nor engaged in
24 sexual intercourse with each other during the probable time of
25 conception.

1 (c) If in a proceeding to adjudicate a presumed parent's
2 parentage, another individual in addition to the woman or
3 individual who gave birth to the child asserts a claim to
4 parentage of the child, the court shall adjudicate parentage
5 under Section 610. ~~An adjudication under this Section shall~~
6 ~~serve as a rebuttal or confirmation of a presumed parent as~~
7 ~~defined in subsection (p) of Section 103.~~

8 (Source: P.A. 99-85, eff. 1-1-16.)

9 (750 ILCS 46/609)

10 Sec. 609. Limitation; child having acknowledged or
11 adjudicated parent.

12 (a) If a child has an acknowledged parent, a signatory to
13 the acknowledgment described in Section 301 of this Act or
14 related denial may commence a proceeding seeking to challenge
15 the acknowledgment or denial or challenge the parentage
16 ~~paternity~~ of the child only within the time allowed under
17 Section 309 of this Act.

18 (b) If a child has an acknowledged parent or an
19 adjudicated parent, an individual, other than the child, who
20 is neither a signatory to the acknowledgment nor a party to the
21 adjudication and who seeks to challenge an adjudication of
22 parentage of the child must commence a proceeding not later
23 than 2 years after the effective date of the acknowledgment or
24 adjudication.

25 (c) A proceeding under this Section is subject to the

1 application of the principles of estoppel established in
2 Section 610 of this Act.

3 (Source: P.A. 99-85, eff. 1-1-16.)

4 (750 ILCS 46/610)

5 Sec. 610. Factors in adjudicating parentage ~~Authority to~~
6 ~~deny motion for genetic testing.~~

7 (a) Consistent with Sections 205, 309, 608, 609, and 617
8 in cases in which there are competing claims to parentage and
9 in proceedings ~~In a proceeding~~ in which the parentage of a
10 child having a presumed, acknowledged, or adjudicated parent
11 is at issue, the court shall consider the following factors
12 when adjudicating the individual's parentage ~~may deny a motion~~
13 ~~by a parent, presumed parent, acknowledged parent, adjudicated~~
14 ~~parent, alleged parent, or the child seeking an order for~~
15 ~~genetic testing of the parents and child if the court~~
16 ~~determines that:~~

17 (1) whether the conduct of the parent, acknowledged
18 parent, adjudicated parent, or the presumed parent estops
19 that party from denying parentage;

20 (2) whether it would be inequitable to disprove the
21 parent-child relationship between the child and the
22 presumed, acknowledged, or adjudicated parent; and

23 (3) whether it is in the child's best interests to
24 adjudicate the individual to be the child's parent ~~to deny~~
25 ~~genetic testing~~, taking into account the following

1 factors:

2 (A) the length of time between the current
3 proceeding to adjudicate parentage and the time that
4 the presumed, acknowledged, or adjudicated parent was
5 placed on notice that the presumed, acknowledged, or
6 adjudicated parent ~~he or she~~ might not be the
7 biological parent;

8 (B) the length of time during which the presumed,
9 acknowledged, or adjudicated parent has assumed the
10 role of parent of the child;

11 (C) the facts surrounding the presumed,
12 acknowledged, or adjudicated parent's discovery of ~~his~~
13 ~~or her~~ possible non-parentage ~~nonparentage~~;

14 (D) the nature of the relationship between the
15 child and the presumed, acknowledged, or adjudicated
16 parent;

17 (E) the age of the child;

18 (F) the harm that may result to the child if the
19 presumed, acknowledged, or adjudicated parentage is
20 successfully disproved;

21 (G) the nature of the relationship between the
22 child and the presumed, acknowledged, adjudicated or
23 alleged parent ~~any alleged parent~~;

24 (H) the extent to which the passage of time
25 reduces the chances of establishing the parentage of
26 another person and a child support obligation in favor

1 of the child;

2 (I) other factors that may affect the equities
3 arising from the disruption of the parent-child
4 relationship between the child and the presumed,
5 acknowledged, or adjudicated parent or the chance of
6 other harm to the child; and

7 (J) any other factors the court determines to be
8 equitable.

9 (b) In a proceeding involving the application of this
10 Section, a minor or incapacitated child must be represented by
11 a guardian ad litem, child's representative, or attorney for
12 the child. ~~It shall be presumed to be equitable and in the best~~
13 ~~interests of the child to grant a motion by the child seeking~~
14 ~~an order for genetic testing. The presumption may be overcome~~
15 ~~by clear and convincing evidence that extraordinary~~
16 ~~circumstances exist making the genetic testing contrary to the~~
17 ~~child's best interests. The court's order denying a child's~~
18 ~~request for genetic testing must state the basis upon which~~
19 ~~the presumption was overcome. The court's order granting a~~
20 ~~child's request for genetic testing must specify the ways in~~
21 ~~which the testing results may be used for purposes of~~
22 ~~protecting the child's best interests.~~

23 (c) (Blank). ~~If the court denies a motion seeking an order~~
24 ~~for genetic testing, it shall issue an order adjudicating the~~
25 ~~presumed parent to be the parent of the child.~~

26 (Source: P.A. 99-85, eff. 1-1-16; 99-769, eff. 1-1-17.)

1 (750 ILCS 46/612)

2 Sec. 612. Proceeding before birth. Except as otherwise
3 provided for in this Act, a A proceeding to establish
4 parentage may be commenced before the birth of the child, but
5 may not be concluded until after the birth of the child. The
6 following actions may be taken before the birth of the child:

7 (a) service of process;

8 (b) the taking of depositions to perpetuate testimony;

9 and

10 (c) except as prohibited by Article 4 of this Act,
11 collection of specimens for genetic testing.

12 (Source: P.A. 99-85, eff. 1-1-16.)

13 (750 ILCS 46/614)

14 Sec. 614. Admissibility of results of genetic testing;
15 expenses.

16 (a) Subject to the limitations of Section 401, if ~~if~~ a
17 child has a presumed, acknowledged, or adjudicated parent, the
18 results of genetic testing are inadmissible to adjudicate
19 parentage unless performed:

20 (1) with the consent of both the woman or person who
21 gave birth to the child ~~mother~~ and the presumed,
22 acknowledged, or adjudicated parent; or

23 (2) pursuant to an order of the court under Section
24 401 ~~402~~ of this Act and conducted consistent with Section

1 402 of this Act.

2 (b) Copies of bills for genetic testing and for prenatal
3 and postnatal health care for the woman or person who gave
4 birth ~~mother~~ and the child, which are furnished to the adverse
5 party not less than 10 days before the date of a hearing are
6 admissible to establish:

7 (1) the amount of the charges billed; and

8 (2) that the charges were reasonable, necessary, and
9 customary.

10 (c) Certified copies of the bills for costs incurred for
11 pregnancy and childbirth shall be admitted into evidence at
12 judicial or administrative proceedings without foundation
13 testimony or other proof of authenticity or accuracy.

14 (Source: P.A. 99-85, eff. 1-1-16.)

15 (750 ILCS 46/615)

16 Sec. 615. Consequences of declining genetic testing.

17 (a) Subject to the limitations of Section 401, an ~~An~~ order
18 for genetic testing is enforceable through a proceeding for
19 adjudication of contempt.

20 (b) If an individual whose parentage is being determined
21 declines to submit to genetic testing ordered by the court or
22 administrative agency, the court or administrative agency may
23 adjudicate parentage contrary to the position of that
24 individual.

25 (c) Genetic testing of the woman or person who gave birth

1 to the mother of a child is not a condition precedent to
2 genetically testing the child and a person ~~man~~ whose parentage
3 ~~paternity~~ is being determined. If the woman or person who gave
4 birth to the child ~~mother~~ is unavailable or declines to submit
5 to genetic testing, the court or administrative agency may
6 order the genetic testing of the child and every person ~~man~~
7 whose parentage ~~paternity~~ is being adjudicated.

8 (Source: P.A. 99-85, eff. 1-1-16.)

9 (750 ILCS 46/617)

10 Sec. 617. Rules for adjudication of parentage of an
11 alleged genetic parent.

12 (a) In a proceeding involving an alleged genetic parent
13 who is not a presumed parent, if the woman or individual who
14 gave birth to the child is the only other individual with a
15 claim to parentage, the ~~The~~ court shall apply the following
16 rules to adjudicate a claim of ~~the~~ parentage of a child:

17 ~~(a) The parentage of a child having an adjudicated~~
18 ~~parent may be disproved only by admissible results of~~
19 ~~genetic testing, or other means, excluding that person as~~
20 ~~the parent of the child or identifying another person as~~
21 ~~the parent of the child.~~

22 (1) ~~(b)~~ Unless the results of the genetic testing or
23 other evidence are admitted to rebut other results of
24 genetic testing, a person identified as the parent of a
25 child under Section 404 of this Act may be adjudicated the

1 parent of the child.

2 (2) ~~(e)~~ If the court finds that genetic testing under
3 Section 404 neither identifies nor excludes a person as
4 the parent of a child, the court may not dismiss the
5 proceeding. In that event, the results of genetic testing
6 and other evidence are admissible to adjudicate the issue
7 of parentage.

8 (3) ~~(d)~~ Unless the results of genetic testing are
9 admitted to rebut other results of genetic testing, a
10 person excluded as the parent of a child by genetic
11 testing may be adjudicated not to be the parent of the
12 child.

13 (b) If in a proceeding involving an alleged genetic
14 parent, at least one other individual in addition to the woman
15 or individual who gave birth to the child has a claim to
16 parentage of the child under this Act, the court shall
17 adjudicate parentage under Section 610.

18 (Source: P.A. 99-85, eff. 1-1-16.)

19 (750 ILCS 46/621)

20 Sec. 621. Binding effect of determination of parentage.

21 (a) Except as otherwise provided in subsection (b) of this
22 Section, a determination of parentage is binding on:

23 (1) all signatories to an acknowledgment or denial as
24 provided in Article 3 of this Act; and

25 (2) all parties to an adjudication by a court acting

1 under circumstances that satisfy the jurisdictional
2 requirements of Section 201 of the Uniform Interstate
3 Family Support Act.

4 (b) A child is not bound by a determination of parentage
5 under this Act unless:

6 (1) the determination was based on an unrescinded
7 acknowledgment as provided in Article 3 of this Act and
8 the acknowledgment is either consistent with the results
9 of genetic testing or for a child born through assisted
10 reproduction;

11 (2) the adjudication of parentage was based on a
12 finding consistent with the results of genetic testing and
13 the consistency is declared in the determination or is
14 otherwise shown;

15 (3) the child was a party or was represented in the
16 proceeding determining parentage by a guardian ad litem,
17 child's representative or attorney for the child; ~~and~~

18 (4) the child was no longer a minor at the time the
19 proceeding was initiated and was the moving party
20 resulting in the parentage determination; and

21 (5) the determination of parentage was made under
22 Article 7 or the Gestational Surrogacy Act.

23 (c) In a proceeding for dissolution of marriage, civil
24 union, or substantially similar legal relationship,
25 declaration of invalidity of marriage, civil union, or
26 substantially similar legal relationship, or legal separation,

1 the court is deemed to have made an adjudication of the
2 parentage of a child if the court acts under circumstances
3 that satisfy the jurisdictional requirements of Section 201 of
4 the Uniform Interstate Family Support Act, and the final
5 order:

6 (1) expressly identifies a child as a "child of the
7 marriage, civil union, or substantially similar legal
8 relationship", "issue of the marriage, civil union, or
9 substantially similar legal relationship", or uses similar
10 words indicating that a party to the marriage, civil
11 union, or substantially similar legal relationship is the
12 parent of the child; or

13 (2) provides for support of the child by the parties
14 to the marriage, civil union, or substantially similar
15 legal relationship, unless parentage is specifically
16 disclaimed in the order.

17 (d) Except as otherwise provided in subsection (b) of this
18 Section, a determination of parentage may be a defense in a
19 subsequent proceeding seeking to adjudicate parentage by an
20 individual who was not a party to the earlier proceeding.

21 (e) A party to an adjudication of parentage may challenge
22 the adjudication only under the laws of this State relating to
23 appeal, vacation of judgments, or other judicial review.

24 (Source: P.A. 99-85, eff. 1-1-16.)

1 Sec. 622. Allocation of parental responsibilities or
2 parenting time prohibited to persons ~~men~~ who conceive a child
3 ~~father~~ through sexual assault or sexual abuse.

4 (a) This Section applies to a person who has been found to
5 be the parent ~~father~~ of a child under this Act and who:

6 (1) has been convicted of or who has pled guilty or
7 nolo contendere to a violation of Section 11-1.20
8 (criminal sexual assault), Section 11-1.30 (aggravated
9 criminal sexual assault), Section 11-1.40 (predatory
10 criminal sexual assault of a child), Section 11-1.50
11 (criminal sexual abuse), Section 11-1.60 (aggravated
12 criminal sexual abuse), Section 11-11 (sexual relations
13 within families), Section 12-13 (criminal sexual assault),
14 Section 12-14 (aggravated criminal sexual assault),
15 Section 12-14.1 (predatory criminal sexual assault of a
16 child), Section 12-15 (criminal sexual abuse), or Section
17 12-16 (aggravated criminal sexual abuse) of the Criminal
18 Code of 1961 or the Criminal Code of 2012, or a similar
19 statute in another jurisdiction, for ~~his~~ conduct in
20 paragraph (1) of this subsection in conceiving ~~fathering~~
21 that child; or

22 (2) at a fact-finding hearing, is found by clear and
23 convincing evidence to have committed an act of
24 non-consensual sexual penetration for his conduct in
25 fathering that child.

26 (b) A person described in subsection (a) shall not be

1 entitled to an allocation of any parental responsibilities or
2 parenting time with that child without the consent of the
3 woman or person who gave birth to the child or the child's
4 ~~mother or~~ guardian. If the person described in subsection (a)
5 is also the guardian of the child, the person ~~he~~ does not have
6 the authority to consent to parenting time or the allocation
7 of parental responsibilities under this Section. If the woman
8 or person who gave birth to ~~mother of~~ the child is a minor, and
9 the person described in subsection (a) is also the parent
10 ~~father~~ or guardian of the woman or person who gave birth to the
11 child ~~mother~~, then the person ~~he~~ does not have the authority to
12 consent to the allocation of parental responsibilities or
13 parenting time.

14 (c) Notwithstanding any other provision of this Act,
15 nothing in this Section shall be construed to relieve the
16 parent ~~father~~ described in subsection (a) of any support and
17 maintenance obligations to the child under this Act. The woman
18 or person who gave birth to the child or the child's ~~mother or~~
19 guardian may decline support and maintenance obligations from
20 the parent ~~father~~.

21 (d) Notwithstanding any other provision of law, the parent
22 ~~father~~ described in subsection (a) of this Section is not
23 entitled to any inheritance or other rights from the child
24 without the consent of the woman or person who gave birth to
25 the child or the child's ~~mother or~~ guardian.

26 (e) Notwithstanding any provision of the Illinois Marriage

1 and Dissolution of Marriage Act, the parent, grandparent,
2 great-grandparent, or sibling of the person described in
3 subsection (a) of this Section does not have standing to bring
4 an action requesting the allocation of parental
5 responsibilities or parenting time with the child without the
6 consent of the woman or person who gave birth to the child or
7 the child's mother or guardian.

8 (f) A petition under this Section may be filed by the woman
9 or person who gave birth to the child or the child's mother or
10 guardian either as an affirmative petition in circuit court or
11 as an affirmative defense in any proceeding filed by the
12 person described in subsection (a) of this Section regarding
13 the child.

14 (Source: P.A. 99-85, eff. 1-1-16; 99-769, eff. 1-1-17.)

15 (750 ILCS 46/702)

16 Sec. 702. Parental status of donor. ~~A Except as provided~~
17 ~~in this Act, a~~ donor is not a parent of a child conceived by
18 means of assisted reproduction.

19 (Source: P.A. 99-763, eff. 1-1-17.)

20 (750 ILCS 46/703)

21 Sec. 703. Parentage of child of assisted reproduction.

22 (a) An individual who consents under this Section to
23 assisted reproduction with the intent to be a parent of a child
24 conceived by assisted reproduction is a parent of the child

1 ~~Any individual who is an intended parent as defined by this Act~~
2 ~~is the legal parent of any resulting child. If the donor and~~
3 ~~the intended parent have been represented by independent~~
4 ~~counsel and entered into a written legal agreement in which~~
5 ~~the donor relinquishes all rights and responsibilities to any~~
6 ~~resulting child, the intended parent is the parent of the~~
7 ~~child. An agreement under this subsection shall be entered~~
8 ~~into prior to any insemination or embryo transfer.~~

9 (b) The consent described in subsection (a) must be either
10 of the following:

11 (1) in a record signed before, on, or after the birth
12 of the child by the woman or individual who gave birth to
13 the child and by an individual who intends to be a parent
14 of the child; an acknowledgment of parentage under Section
15 301 is a record within the meaning of this subsection; or

16 (2) in an agreement entered into before conception
17 that the woman or individual who gave birth to the child
18 and the individual who intends to be a parent of the child
19 intended they both would be a parent of the child.

20 Failure to consent as required by paragraph (1) or (2) of
21 subsection (b) does not preclude a court from finding consent
22 to parent if the individual for the first 2 years of the
23 child's life, including any period of temporary absence,
24 resided in the same household with the child and openly held
25 out the child as the individual's child ~~If a person makes an~~
26 ~~anonymous gamete donation without a designated intended parent~~

1 ~~at the time of the gamete donation, the intended parent is the~~
2 ~~parent of any resulting child if the anonymous donor~~
3 ~~relinquished his or her parental rights in writing at the time~~
4 ~~of donation. The written relinquishment shall be directed to~~
5 ~~the entity to which the donor donated his or her gametes.~~

6 (c) An individual who is an intended parent or the woman or
7 individual who gave birth to the child may bring a proceeding
8 for a judgment of parentage before or after the birth of the
9 child. If the court finds that the individual who did not give
10 birth consented under subsection (b) of this Section, the
11 court shall enter a judgment of parentage declaring the
12 individual to be the parent ~~seek a court order confirming the~~
13 ~~existence of a parent-child relationship prior to or after the~~
14 ~~birth of a child based on compliance with subsection (a) or (b)~~
15 ~~of this Section.~~

16 (d) The woman or individual who will give or who gave birth
17 to the child or an individual who is or claims to be a parent
18 under this Section may commence an action before or after the
19 birth of a child to obtain a judgment to declare that the
20 intended parent or parents are the parent or parents of the
21 resulting child immediately on birth of the child and order
22 that parental rights and responsibilities vest exclusively in
23 the intended parent or parents immediately on birth of the
24 child. A judgment issued before the birth of the resulting
25 child takes effect on the birth of the resulting child. The
26 State, the Department, and the hospital where the child is or

1 is expected to be born are not necessary parties to an action
2 under this Section ~~If the requirements of subsection (a) of~~
3 ~~this Section are not met, or subsection (b) of this Section is~~
4 ~~found by a court to be inapplicable, a court of competent~~
5 ~~jurisdiction shall determine parentage based on evidence of~~
6 ~~the parties' intent at the time of donation.~~

7 (Source: P.A. 99-763, eff. 1-1-17.)

8 (750 ILCS 46/704)

9 Sec. 704. Withdrawal of consent of intended parent ~~or~~
10 ~~donor.~~

11 (a) An intended parent ~~or donor~~ may withdraw consent to
12 assisted reproduction any time before an insemination or a
13 transfer that results in a pregnancy to use his or her gametes
14 in a writing or legal pleading with notice to the other
15 participants and to any clinic or health care providers
16 facilitating the assisted reproduction. Failure to give notice
17 to the clinic or health care provider does not affect a
18 determination of parentage under this Act.

19 (b) An intended parent who withdraws consent under this
20 Section prior to the insemination or embryo transfer is not a
21 parent of any resulting child. ~~If a donor withdraws consent to~~
22 ~~his or her donation prior to the insemination or the~~
23 ~~combination of gametes, the intended parent is not the parent~~
24 ~~of any resulting child.~~

25 ~~If the intended parent or parents no longer wish to use any~~

1 ~~remaining cryopreserved fertilized ovum for medical purposes,~~
2 ~~the terms of the most recent informed consent of the intended~~
3 ~~parent or parents executed at the fertility center or a~~
4 ~~marital settlement agreement under a judgment of dissolution~~
5 ~~of marriage, judgment of legal separation, or judgment of~~
6 ~~dissolution of civil union governs the disposition of the~~
7 ~~fertilized ovum.~~

8 (Source: P.A. 102-1117, eff. 1-13-23.)

9 (750 ILCS 46/704.5 new)

10 Sec. 704.5. Disposition.

11 (a) An intended parent may withdraw consent to use the
12 parent's gametes in a writing or legal pleading with notice to
13 the other participant, or clinic, if applicable, or gamete
14 bank, if applicable, prior to insemination or in vitro
15 fertilization.

16 (b) If the intended parent or parents no longer agree on
17 the use of any cryopreserved fertilized ovum for medical
18 purposes, the terms of the most recent informed consent of the
19 intended parent or parents executed at the fertility center or
20 a marital settlement agreement under a judgment of dissolution
21 of marriage, judgment of legal separation, or judgment of
22 dissolution of civil union governs the disposition of the
23 cryopreserved fertilized ovum.

24 (750 ILCS 46/705)

1 Sec. 705. Parental status of deceased individual.

2 (a) If an individual who intends to be a parent of a child
3 conceived by assisted reproduction dies during the period
4 between the transfer of a gamete or embryo and the birth of the
5 child, the individual's death does not preclude the
6 establishment of the individual's parentage of the child if
7 the individual otherwise would be a parent of the child under
8 this Act.

9 (b) If an individual who consented in a record to assisted
10 reproduction by an individual who agreed to give birth to a
11 child dies before a transfer of gametes or pre-embryos, the
12 deceased individual is a parent of a child conceived by the
13 assisted reproduction only if both of the following occurred:

14 (i) Either the individual consented in a record that if
15 assisted reproduction were to occur after the death of the
16 individual, the individual would be a parent of the child or
17 the individual's intent to be a parent of a child conceived by
18 assisted reproduction after the individual's death is
19 established by clear and convincing evidence; and (ii) the
20 transfer of the gamete or pre-embryo transfer occurs not later
21 than 36 months after the individual's death ~~If an individual~~
22 ~~consents in a writing to be a parent of any child born of his~~
23 ~~or her gametes posthumously, and dies before the insemination~~
24 ~~of the individual's gametes or embryo transfer, the deceased~~
25 ~~individual is a parent of any resulting child born within 36~~
26 ~~months of the death of the deceased individual.~~

1 (Source: P.A. 99-763, eff. 1-1-17.)

2 (750 ILCS 46/707)

3 Sec. 707. Burden of proof. Unless otherwise specified in
4 this Act, the burden of proof in an action under this Section
5 is by a preponderance of the evidence ~~Parentage established~~
6 ~~under Section 703, a withdrawal of consent under Section 704,~~
7 ~~or a proceeding to declare the non-existence of the~~
8 ~~parent-child relationship under Section 708 of this Act must~~
9 ~~be proven by clear and convincing evidence.~~

10 (Source: P.A. 99-763, eff. 1-1-17.)

11 (750 ILCS 46/708)

12 Sec. 708. Limitation on proceedings to declare the
13 non-existence of the parent-child relationship. An individual
14 who, at the time of a child's birth, is the spouse of the woman
15 or person who gave birth cannot bring an action to declare the
16 non-existence of the parent-child relationship under this
17 Article unless filed and served not later than 2 years from the
18 child's date of birth ~~shall be barred if brought more than 2~~
19 ~~years following the birth of the child.~~

20 (Source: P.A. 99-763, eff. 1-1-17.)

21 (750 ILCS 46/709)

22 Sec. 709. Establishment of parentage; requirements of
23 Gestational Surrogacy Act.

1 (a) In the event of gestational surrogacy, in addition to
2 the requirements of the Gestational Surrogacy Act, a
3 parent-child relationship is established between a person and
4 a child if all of the following conditions are met prior to the
5 birth of the child:

6 (1) The gestational surrogate certifies that the
7 surrogate ~~she~~ did not provide a gamete for the child, and
8 that the surrogate ~~she~~ is carrying the resulting child for
9 the intended parents.

10 (2) The spouse, if any, of the gestational surrogate
11 certifies that the spouse ~~he or she~~ did not provide a
12 gamete for the child.

13 (3) (Blank). ~~Each intended parent, or the parent's~~
14 ~~legally authorized designee if an intended parent dies,~~
15 ~~certifies that the child being carried by the gestational~~
16 ~~surrogate was conceived using at least one of the intended~~
17 ~~parents' gametes.~~

18 (4) A physician licensed in the location ~~state~~ in
19 which the fertilized ovum was inseminated or transferred
20 to the gestational surrogate or the licensed physician
21 treating the gestational surrogate certifies that the
22 fetus ~~child~~ being carried by the gestational surrogate was
23 not conceived with the gamete of the ~~using the gamete or~~
24 ~~gametes of at least one of the intended parents, and that~~
25 ~~neither the gestational surrogate nor the gestational~~
26 ~~surrogate's spouse, if any, provided gametes for the child~~

1 ~~being carried by the~~ gestational surrogate and the
2 intended parents meet the eligibility requirements as set
3 forth in the Gestational Surrogacy Act.

4 (5) The attorneys for the intended parents and the
5 gestational surrogate each certify that the parties who
6 entered into a gestational surrogacy agreement complied
7 with ~~intended to satisfy~~ the requirements of the
8 Gestational Surrogacy Act.

9 (b) All certifications under this Section shall be in
10 writing and witnessed by 2 competent adults who are not the
11 gestational surrogate, gestational surrogate's spouse, if any,
12 or an intended parent. Certifications shall be on forms
13 prescribed by the Illinois Department of Public Health and
14 shall be executed prior to the birth of the child. All
15 certifications shall be provided, prior to the birth of the
16 child, to both the hospital where the gestational surrogate
17 anticipates the delivery will occur and to the Illinois
18 Department of Public Health. Certifications may be provided
19 electronically.

20 (c) Parentage established in accordance with this Section
21 has the full force and effect of a judgment entered under this
22 Act.

23 (d) The Illinois Department of Public Health shall adopt
24 rules to implement this Section.

25 (Source: P.A. 102-1117, eff. 1-13-23.)

1 (750 ILCS 46/710)

2 Sec. 710. Applicability. This Article applies only to
3 assisted reproductive arrangements or gestational surrogacy
4 agreements ~~contracts~~ entered into after the effective date of
5 this amendatory Act of the 99th General Assembly.

6 (Source: P.A. 99-763, eff. 1-1-17.)

7 (750 ILCS 46/903)

8 Sec. 903. Transitional provision. A proceeding to
9 adjudicate parentage which was commenced before the effective
10 date of this Act is governed by the law in effect at the time
11 the proceeding was commenced, except that this Act applies to
12 all pending actions and proceedings commenced before January
13 1, 2016 with respect to issues on which a judgment has not been
14 entered. A proceeding to adjudicate parentage that was
15 commenced before the effective date of this amendatory Act of
16 the 104th General Assembly is governed by the law in effect at
17 the time the proceeding was commenced.

18 (Source: P.A. 99-85, eff. 1-1-16; 99-769, eff. 1-1-17.)

19 Section 10. The Gestational Surrogacy Act is amended by
20 changing Sections 5, 10, 15, 20, 25, 30, 35, 55, 60, 70, and 75
21 and by adding Sections 26, 27, 36, 37, and 39 as follows:

22 (750 ILCS 47/5)

23 Sec. 5. Purpose. The purpose of this Act is to establish

1 consistent standards and procedural safeguards for the
2 protection of all parties involved in a gestational surrogacy
3 agreement ~~contract~~ in this State and to confirm the legal
4 status of children born as a result of these agreements
5 ~~contracts~~. These standards and safeguards are meant to
6 facilitate the use of this type of reproductive contract in
7 accord with the public policy of this State.

8 (Source: P.A. 93-921, eff. 1-1-05.)

9 (750 ILCS 47/10)

10 Sec. 10. Definitions. As used in this Act:

11 "Compensation" means payment of any valuable consideration
12 for services in excess of reasonable medical and ancillary
13 costs.

14 "Donor" means a person who provides gametes intended for
15 use in assisted reproduction, whether or not for compensation.
16 "Donor" does not include a person who is a parent under Article
17 7 of the Illinois Parentage Act of 2015 or an intended parent
18 under this Act ~~an individual who contributes a gamete or~~
19 ~~gametes for the purpose of in vitro fertilization or~~
20 ~~implantation in another.~~

21 "Gamete" means either a sperm or an egg.

22 "Gestational surrogacy" means the process by which a woman
23 or person ~~woman~~ attempts to become pregnant ~~carry~~ and give
24 birth to a child conceived ~~created~~ through in vitro
25 fertilization ~~using the gamete or gametes of at least one of~~

1 ~~the intended parents~~ and to which the gestational surrogate
2 has made no genetic contribution.

3 "Gestational surrogate" means a woman or person ~~woman~~ who
4 agrees to engage in a gestational surrogacy.

5 "Gestational surrogacy agreement ~~contract~~" means a written
6 agreement regarding gestational surrogacy.

7 "Health care provider" means a person who is duly licensed
8 to provide health care, including all medical, psychological,
9 or counseling professionals.

10 "Intended parent" means a person ~~person or persons~~ who
11 consents to assisted reproduction, including enters into a
12 gestational surrogacy agreement, such that the person is a
13 legal ~~contract with a gestational surrogate pursuant to which~~
14 ~~he or she will be the legal~~ parent of the resulting child.

15 "Intended ~~In the case of a married couple, any reference to an~~
16 intended parent" includes, in the case of a married couple,
17 ~~shall include both spouses husband and wife~~ for all purposes
18 of this Act. ~~This term shall include the intended mother,~~
19 ~~intended father, or both.~~

20 "In vitro fertilization" means all medical and laboratory
21 procedures that are necessary to effectuate the extracorporeal
22 fertilization of egg and sperm.

23 "Medical evaluation" means an evaluation and consultation
24 of a physician meeting the requirements of Section 60.

25 "Mental health evaluation" means an evaluation and
26 consultation of a mental health professional meeting the

1 requirements of Section 60.

2 "Physician" means a person licensed to practice medicine
3 in all its branches in the state in which they practice
4 ~~Illinois~~.

5 "Pre-embryo" means a fertilized egg prior to 14 days of
6 development.

7 "Pre-embryo transfer" means all medical and laboratory
8 procedures that are necessary to effectuate the transfer of a
9 pre-embryo into the uterine cavity.

10 (Source: P.A. 93-921, eff. 1-1-05.)

11 (750 ILCS 47/15)

12 Sec. 15. Rights of Parentage.

13 (a) Except as provided in this Act, the woman or person
14 ~~woman~~ who gives birth to a child is a parent ~~presumed to be the~~
15 ~~mother~~ of that child for purposes of State law.

16 (b) In the case of a gestational surrogacy agreement that
17 substantially complies with ~~satisfying~~ the requirements set
18 forth in Sections 20 and 25 of this Act ~~subsection (d) of this~~
19 ~~Section:~~

20 (1) the intended parent or parents ~~mother~~ shall be
21 considered the parent or parents ~~mother~~ of the child for
22 all purposes ~~of State law~~ immediately upon the birth of
23 the child;

24 ~~(2) the intended father shall be the father of the~~
25 ~~child for purposes of State law immediately upon the birth~~

1 ~~of the child;~~

2 ~~(3) the child shall be considered the legitimate child~~
3 ~~of the intended parent or parents for purposes of State~~
4 ~~law immediately upon the birth of the child;~~

5 ~~(4) parental rights shall vest in the intended parent~~
6 ~~or parents immediately upon the birth of the child;~~

7 ~~(5) sole custody of the child shall rest with the~~
8 ~~intended parent or parents immediately upon the birth of~~
9 ~~the child; and~~

10 (2) ~~(6)~~ neither the gestational surrogate nor the
11 surrogate's spouse ~~her husband~~, if any, shall be
12 considered the parents of the child for purposes of State
13 law immediately upon the birth of the child.

14 (c) In the case of a gestational surrogacy agreement
15 meeting the requirements set forth in subsection (d) of this
16 Section, in the event of a laboratory error in which the
17 resulting child is not genetically related to either of the
18 intended parents or a donor who donated to the intended parent
19 or parents, the intended parents will be the parents of the
20 child for all purposes ~~of State law~~ unless otherwise
21 determined by a court of competent jurisdiction.

22 (d) (Blank). ~~The parties to a gestational surrogacy shall~~
23 ~~assume the rights and obligations of subsections (b) and (c)~~
24 ~~of this Section if:~~

25 ~~(1) the gestational surrogate satisfies the~~
26 ~~eligibility requirements set forth in subsection (a) of~~

1 ~~Section 20;~~

2 ~~(2) the intended parent or parents satisfy the~~
3 ~~eligibility requirements set forth in subsection (b) of~~
4 ~~Section 20; and~~

5 ~~(3) the gestational surrogacy occurs pursuant to a~~
6 ~~gestational surrogacy contract meeting the requirements~~
7 ~~set forth in Section 25.~~

8 (Source: P.A. 93-921, eff. 1-1-05.)

9 (750 ILCS 47/20)

10 Sec. 20. Eligibility.

11 (a) A gestational surrogate shall be deemed to have
12 satisfied the eligibility requirements of this Act if, ~~she has~~
13 ~~met the following requirements~~ at the time the gestational
14 surrogacy agreement ~~contract~~ is executed, the gestational
15 surrogate:

16 (1) ~~she~~ is at least 21 years of age;

17 (2) ~~she~~ has given birth to at least one child;

18 (3) ~~she~~ has completed a medical evaluation;

19 (4) ~~she~~ has completed a mental health evaluation;

20 (5) ~~she~~ has had and will have ongoing legal
21 representation by independent counsel, licensed in
22 Illinois and chosen by the surrogate, throughout the
23 course of the gestational surrogacy arrangement regarding
24 the terms ~~undergone legal consultation with independent~~
25 ~~legal counsel regarding the terms of the gestational~~

1 ~~surrogacy contract and the potential legal consequences~~ of
2 the gestational surrogacy agreement and the potential
3 consequences of the gestational surrogacy; and

4 (6) ~~she~~ has obtained a health insurance policy that
5 covers major medical treatments and hospitalization and
6 the health insurance policy has a term that extends
7 throughout the duration of the expected pregnancy and for
8 8 weeks after the birth of the child; provided, however,
9 that the policy may be procured by the intended parents on
10 behalf of the gestational surrogate pursuant to the
11 gestational surrogacy agreement ~~contract~~.

12 (b) The intended parent or parents shall be deemed to have
13 satisfied the eligibility requirements of this Act if, ~~he,~~
14 ~~she, or they have met the following requirements~~ at the time
15 the gestational surrogacy agreement ~~contract~~ is executed, the
16 intended parent or parents:

17 (1) is at least 21 years of age ~~he, she, or they~~
18 ~~contribute at least one of the gametes resulting in a~~
19 ~~pre embryo that the gestational surrogate will attempt to~~
20 ~~carry to term;~~

21 (2) are experiencing infertility as defined in
22 subsection (c) of Section 356m of the Illinois Insurance
23 Code ~~he, she, or they have a medical need for the~~
24 ~~gestational surrogacy as evidenced by a qualified~~
25 ~~physician's affidavit attached to the gestational~~
26 ~~surrogacy contract and as required by the Illinois~~

~~Parentage Act of 2015;~~

(3) ~~he, she, or they~~ have completed a mental health evaluation; and

(4) has had and will have ongoing ~~he, she, or they have undergone~~ legal representation by ~~consultation with~~ independent ~~legal~~ counsel, licensed in Illinois, throughout the course of the gestational surrogacy arrangement regarding the terms of the gestational surrogacy agreement ~~contract~~ and the potential legal consequences of the gestational surrogacy.

(Source: P.A. 99-763, eff. 1-1-17.)

(750 ILCS 47/25)

Sec. 25. Requirements for a gestational surrogacy agreement ~~contract~~.

(a) (Blank). ~~A gestational surrogacy contract shall be presumed enforceable for purposes of State law only if:~~

~~(1) it meets the contractual requirements set forth in subsection (b) of this Section; and~~

~~(2) it contains at a minimum each of the terms set forth in subsection (c) of this Section.~~

(b) A gestational surrogacy agreement ~~contract~~ shall meet the following requirements:

(1) it shall be in writing;

(2) it shall be executed prior to the commencement of any medical procedures (other than medical or mental

1 health evaluations necessary to determine eligibility of
2 the parties pursuant to Section 20 of this Act) in
3 furtherance of the gestational surrogacy:

4 (i) by a gestational surrogate meeting the
5 eligibility requirements of subsection (a) of Section
6 20 of this Act and, if married, the gestational
7 surrogate's spouse ~~husband~~; and

8 (ii) by the intended parent or parents meeting the
9 eligibility requirements of subsection (b) of Section
10 20 of this Act. In the event an intended parent is
11 married, both the intended parent and spouse ~~husband~~
12 ~~and wife~~ must execute the gestational surrogacy
13 agreement ~~contract~~;

14 (3) each of the gestational surrogate and the intended
15 parent or parents shall have been represented by
16 independent legal counsel licensed in Illinois regarding
17 the terms of the gestational surrogacy agreement and the
18 potential legal consequences of the gestational surrogacy
19 ~~separate counsel in all matters concerning the gestational~~
20 ~~surrogacy and the gestational surrogacy contract;~~

21 (3.5) it shall indicate ~~each of the gestational~~
22 ~~surrogate and the intended parent or parents shall have~~
23 ~~signed a written acknowledgement that~~ each party has ~~he or~~
24 ~~she~~ received information about the legal, financial, and
25 contractual rights, expectations, penalties, and
26 obligations of the surrogacy agreement;

1 (4) it shall require the intended parent or parents to
2 pay for independent legal representation for the
3 surrogate;

4 (5) if the gestational surrogacy agreement ~~contract~~
5 provides for the payment of compensation to the
6 gestational surrogate, the compensation shall have been
7 placed in escrow with an ~~independent~~ escrow agent that is
8 independent of and is not affiliated with either the
9 intended parents' attorney or the gestational surrogate's
10 attorney prior to the gestational surrogate's commencement
11 of any medical procedure (other than medical or mental
12 health evaluations necessary to determine the gestational
13 surrogate's eligibility pursuant to subsection (a) of
14 Section 20 of this Act); and

15 (6) ~~(5)~~ it shall be witnessed by 2 competent adults or
16 shall be notarized consistent with Illinois law.

17 **(b-5) A gestational surrogacy agreement may provide for**
18 **the payment of compensation and reasonable expenses.**

19 (c) A gestational surrogacy agreement ~~contract~~ shall
20 provide for:

21 (1) the express written agreement of the gestational
22 surrogate to:

23 (i) undergo pre-embryo transfer and attempt to
24 become pregnant ~~carry~~ and give birth to the child; and

25 (ii) surrender custody of the child to the
26 intended parent or parents immediately upon the birth

1 of the child;

2 (2) if the gestational surrogate is married, the
3 express agreement of the gestational surrogate's spouse
4 ~~her husband~~ to:

5 (i) undertake the obligations imposed on the
6 gestational surrogate pursuant to the terms of the
7 gestational surrogacy agreement ~~contract~~;

8 (ii) surrender custody of the child to the
9 intended parent or parents immediately upon the birth
10 of the child;

11 (3) the right of the gestational surrogate to utilize
12 the services of a physician of the gestational surrogate's
13 ~~her~~ choosing, ~~after consultation with the intended~~
14 ~~parents,~~ to provide the gestational surrogate with her
15 care during the pregnancy; ~~and~~

16 (4) the express written agreement of the intended
17 parent or parents to:

18 (i) accept custody of the child immediately upon
19 the child's ~~his or her~~ birth; and

20 (ii) assume sole responsibility for the support of
21 the child immediately upon the child's ~~his or her~~
22 birth; ~~and~~

23 (iii) make all health and welfare decisions regarding
24 the surrogate and the pregnancy, except that this Act does
25 not enlarge or diminish the surrogate's right to terminate
26 their pregnancy, and any written or oral agreement

1 purporting to waive or limit these rights shall be void as
2 against public policy;

3 (iv) disclose all of intended parent's financial
4 obligations with regard to the gestational surrogate,
5 including compensation and expenses; and

6 (v) include information about each party's right under
7 this Act to terminate the surrogacy agreement.

8 (d) (Blank). ~~A gestational surrogacy contract shall be~~
9 ~~presumed enforceable for purposes of State law even though it~~
10 ~~contains one or more of the following provisions:~~

11 ~~(1) the gestational surrogate's agreement to undergo~~
12 ~~all medical exams, treatments, and fetal monitoring~~
13 ~~procedures that the physician recommended for the success~~
14 ~~of the pregnancy;~~

15 ~~(2) the gestational surrogate's agreement to abstain~~
16 ~~from any activities that the intended parent or parents or~~
17 ~~the physician reasonably believes to be harmful to the~~
18 ~~pregnancy and future health of the child, including,~~
19 ~~without limitation, smoking, drinking alcohol, using~~
20 ~~nonprescribed drugs, using prescription drugs not~~
21 ~~authorized by a physician aware of the gestational~~
22 ~~surrogate's pregnancy, exposure to radiation, or any other~~
23 ~~activities proscribed by a health care provider;~~

24 ~~(3) the agreement of the intended parent or parents to~~
25 ~~pay the gestational surrogate reasonable compensation; and~~

26 ~~(4) the agreement of the intended parent or parents to~~

~~pay for or reimburse the gestational surrogate for reasonable expenses (including, without limitation, medical, legal, or other professional expenses) related to the gestational surrogacy and the gestational surrogacy contract.~~

~~(e) (Blank). In the event that any of the requirements of this Section are not met, a court of competent jurisdiction shall determine parentage based on evidence of the parties' intent.~~

(Source: P.A. 93-921, eff. 1-1-05.)

(750 ILCS 47/26 new)

Sec. 26. Effect of subsequent change of marital status.

(a) Unless a gestational surrogacy agreement expressly provides otherwise, both of the following apply:

(1) The marriage of a surrogate after the surrogacy agreement is signed by all parties does not affect the validity of the agreement, the spouse's consent to the agreement is not required, and the spouse is not a presumed parent of a child conceived by assisted reproduction under the agreement.

(2) The dissolution, annulment, or declaration of invalidity of the surrogate's marriage, the legal separation of the surrogate, or a judgment of separate maintenance concerning the surrogate after the surrogacy contract is signed by all parties does not affect the

1 validity of the agreement.

2 (3) Unless a surrogacy agreement expressly provides
3 otherwise, both of the following apply:

4 (A) The marriage of an intended parent after the
5 surrogacy agreement is signed by all parties does not
6 affect the validity of a surrogacy agreement, the
7 consent of the spouse is not required, and the spouse
8 is not, based on the agreement, a parent of a child
9 conceived by assisted reproduction under the
10 agreement.

11 (B) The dissolution, annulment, or declaration of
12 invalidity of an intended parent's marriage, the legal
13 separation of an intended parent, or a judgment of
14 separate maintenance concerning an intended parent
15 after the agreement is signed by all parties does not
16 affect the validity of the agreement and, except as
17 otherwise provided in Section 36, the intended parent
18 is a parent of the child.

19 (750 ILCS 47/27 new)

20 Sec. 27. Termination.

21 (a) A party to a gestational surrogacy agreement may
22 terminate the agreement at any time before an embryo transfer
23 by giving notice of termination in a record to all other
24 parties. If an embryo transfer does not result in a pregnancy,
25 a party may terminate the agreement at any time before a

1 subsequent embryo transfer.

2 (b) Unless a gestational surrogacy agreement provides
3 otherwise, on termination of the agreement under subsection
4 (a), the parties are released from the agreement, except that
5 each intended parent remains responsible for expenses that are
6 contemplated under the agreement and incurred by the
7 gestational surrogate through the date of termination of the
8 surrogacy agreement or as otherwise agreed to in the
9 gestational surrogacy agreement.

10 (c) Unless there is fraud, a party is not liable to any
11 other party for a penalty or liquidated damages for
12 terminating a gestational surrogacy agreement under this
13 Section.

14 (750 ILCS 47/30)

15 Sec. 30. Duty to support.

16 (a) Any person who is a ~~considered to be the~~ parent of a
17 child pursuant to ~~Section 15~~ of this Act shall be obligated to
18 support the child.

19 (b) The breach of the gestational surrogacy agreement
20 ~~contract~~ by the intended parent or parents shall not relieve
21 such intended parent or parents of the support obligations
22 imposed by this Act.

23 (c) ~~A gamete donor may be liable for child support only if~~
24 ~~he or she fails to enter into a legal agreement with the~~
25 ~~intended parent or parents in which the intended parent or~~

1 ~~parents agree to assume all rights and responsibilities for~~
2 ~~any resulting child, and the gamete donor relinquishes his or~~
3 ~~her rights to any gametes, resulting embryos, or children.~~

4 (Source: P.A. 93-921, eff. 1-1-05.)

5 (750 ILCS 47/35)

6 Sec. 35. Establishment of parentage ~~the parent child~~
7 ~~relationship.~~

8 (a) In the event of gestational surrogacy, in addition to
9 the requirements of the Articles 2 and 3 of the Illinois
10 Parentage Act of 2015, a parent-child relationship is
11 established by operation of law, upon birth of the child,
12 between a person and a child if all of the following conditions
13 are met:

14 (1) Each intended parent certifies compliance with the
15 eligibility requirements of Section 20.

16 (2) The gestational surrogate certifies compliance
17 with the eligibility requirements of Section 20 and did
18 not provide a gamete for the child, and that the
19 gestational surrogate is carrying the resulting child for
20 the intended parents.

21 (3) A physician licensed in the state in which the
22 pre-embryo was transferred to the gestational surrogate
23 certifies that the pre-embryo that was transferred to the
24 gestational surrogate was not formed with the gamete of
25 the gestational surrogate.

1 (4) The attorneys for the intended parent or parents
2 and the gestational surrogate and spouse, if any, each
3 certify that the parties substantially satisfied the
4 requirements of Section 25 of this Act ~~For purposes of the~~
5 ~~Illinois Parentage Act of 2015, a parent child~~
6 ~~relationship shall be established prior to the birth of a~~
7 ~~child born through gestational surrogacy if, in addition~~
8 ~~to satisfying the requirements of Articles 2 and 3 of the~~
9 ~~Illinois Parentage Act of 2015, the attorneys representing~~
10 ~~both the gestational surrogate and the intended parent or~~
11 ~~parents certify that the parties entered into a~~
12 ~~gestational surrogacy contract intended to satisfy the~~
13 ~~requirements of Section 25 of this Act with respect to the~~
14 ~~child.~~

15 (b) All certifications under this Section shall be in
16 writing and witnessed by 2 competent adults who are not the
17 gestational surrogate, gestational surrogate's spouse, if any,
18 or an intended parent. Certifications shall be on forms
19 prescribed by the Illinois Department of Public Health and
20 shall be executed before the birth of the child. All
21 certifications shall be provided, before the birth of the
22 child, to both the hospital where the gestational surrogate
23 anticipates the delivery will occur and to the Illinois
24 Department of Public Health ~~The attorneys' certifications~~
25 ~~required by subsection (a) of this Section shall be filed on~~
26 ~~forms prescribed by the Illinois Department of Public Health~~

1 ~~and in a manner consistent with the requirement of the~~
2 ~~Illinois Parentage Act of 2015.~~

3 (c) Parentage established in accordance with this Section
4 has the full force and effect of a judgment entered under this
5 Act.

6 (d) The Illinois Department of Public Health shall adopt
7 rules to implement this Section.

8 (Source: P.A. 99-85, eff. 1-1-16.)

9 (750 ILCS 47/36 new)

10 Sec. 36. Establishment of parentage with a substantially
11 compliant agreement.

12 (a) A gestational surrogacy agreement that substantially
13 complies with this Act is enforceable.

14 (b) (1) Before, on, or after the birth of a child conceived
15 by assisted reproduction under a gestational surrogacy
16 agreement substantially compliant with this Act, a party to
17 the agreement may commence an action in the circuit court for
18 entry of a parentage judgment. The requested parentage
19 judgment may be issued before or after the child's birth as
20 requested by the parties. Either the gestational surrogate or
21 the intended parent may bring the action. If the action is
22 brought prior to all certifications required by Section 35
23 being filed, all parties must receive notice of such action.

24 (2) A petition shall include: (A) a copy of the executed
25 gestational surrogacy agreement; (B) the certification of the

1 assisted reproduction physician under Section 35; and (C)
2 certifications from the attorneys representing the intended
3 parent or parents and the gestational surrogate and spouse (if
4 any) under Section 35. A petition supported by such
5 certifications shall be sufficient to establish parentage and
6 a hearing shall not be required unless the court requires
7 additional information which cannot reasonably be ascertained
8 without a hearing.

9 (3) Upon a finding by a preponderance of the evidence that
10 the petition satisfies paragraph (2) of subsection (b), a
11 court shall no later than 30 days from the filing of the
12 petition, issue a judgment of parentage.

13 (4) The court shall issue a judgment:

14 (A) declaring that each intended parent is a parent of
15 the child and ordering that parental rights and duties
16 vest immediately upon the birth of the child exclusively
17 in each intended parent;

18 (B) declaring that the gestational surrogate and the
19 surrogate's spouse or former spouse, if any, are not the
20 parents of the child;

21 (C) if necessary, ordering that the hospital where the
22 child will be or has been born, treat the intended parent
23 or parents as the sole legal parent or parents for all
24 purposes;

25 (D) designating the content of the birth record and
26 directing the Department of Public Health to designate

1 each intended parent as a parent of the child, if such
2 record has not yet been established or needs to be
3 amended;

4 (E) if necessary, ordering that the child be
5 surrendered to the intended parent or parents; and

6 (F) for other relief the court determines proper.

7 (5) To protect the privacy of the child and the parties,
8 all records related to such action shall be impounded.

9 (6) The Department of Public Health, the town or city
10 clerk, and the hospital where the child is born or is intended
11 to be born shall not be necessary parties to a proceeding.

12 (7) Parentage judgments issued under this Section shall
13 conclusively establish the parent-child relationship for all
14 purposes.

15 (750 ILCS 47/37 new)

16 Sec. 37. Parentage and substantial noncompliance.

17 (a) If a gestational surrogacy agreement does not
18 substantially comply with the requirements of this Act:

19 (1) The court shall determine the rights and duties of
20 the parties to the agreement consistent with the intent of
21 the parties at the time of execution, taking into account
22 the best interests of the child.

23 (2) Each party to the surrogacy agreement and any
24 individual who at the time of the execution of the
25 agreement was a spouse of a party to the agreement has

1 standing to maintain an action to adjudicate an issue
2 related to the enforcement of the agreement. Any party to
3 the agreement not joining in the action shall be provided
4 with notice of the proceeding.

5 (750 ILCS 47/39 new)

6 Sec. 39. Jurisdiction and venue. Any judicial proceeding
7 under the Gestational Surrogacy Act is subject to the
8 jurisdiction and venue provisions set forth in Sections 603
9 and 604 of the Illinois Parentage Act of 2015.

10 (750 ILCS 47/55)

11 Sec. 55. Damages.

12 (a) Except as expressly provided in the gestational
13 surrogacy agreement or in subsection (b), if the agreement is
14 breached by the gestational surrogate or one or more intended
15 parents, the non-breaching party is entitled to the remedies
16 available at law or in equity ~~contract, the intended parent or~~
17 ~~parents shall be entitled to all remedies available at law or~~
18 ~~equity.~~

19 (b) The breach of the gestational surrogacy agreement by
20 one or more intended parents does not relieve the intended
21 parent of the support obligations imposed by the parent and
22 child relationship under this Act ~~Except as expressly provided~~
23 ~~in the gestational surrogacy contract, the gestational~~
24 ~~surrogate shall be entitled to all remedies available at law~~

1 ~~or equity.~~

2 (c) Specific performance is not a remedy available for
3 breach by a gestational surrogate of provision in the
4 agreement that the gestational surrogate be impregnated,
5 terminate a pregnancy, or submit to medical procedures.

6 (d) Except as otherwise provided in subsection (c), if an
7 intended parent is determined to be a parent of the child,
8 specific performance is a remedy available for either of the
9 following:

10 (1) Breach of the gestational surrogacy agreement by a
11 gestational surrogate that prevents an intended parent
12 from exercising the full rights of parentage immediately
13 upon birth of the child.

14 (2) Breach of the gestational surrogacy agreement by
15 an intended parent that prevents the intended parent's
16 acceptance of the duties of parentage immediately upon
17 birth of the child.

18 (Source: P.A. 93-921, eff. 1-1-05.)

19 (750 ILCS 47/60)

20 Sec. 60. Rulemaking. The Department of Public Health may
21 adopt rules pertaining to the required medical and mental
22 health evaluations for a gestational surrogacy agreement
23 ~~contract~~. Until the Department of Public Health adopts such
24 rules, medical and mental health evaluations and procedures
25 shall be conducted in accordance with the recommended

1 guidelines published by the American Society for Reproductive
2 Medicine and the American College of Obstetricians and
3 Gynecologists. The rules may adopt these guidelines or others
4 by reference.

5 (Source: P.A. 93-921, eff. 1-1-05.)

6 (750 ILCS 47/70)

7 Sec. 70. Irrevocability. No action to invalidate a
8 gestational surrogacy meeting the requirements of subsection
9 (d) of Section 20 and Section 25 ~~15~~ of this Act or to challenge
10 the rights of parentage established pursuant to the
11 Gestational Surrogacy Act ~~Section 15 of this Act and the~~
12 ~~Illinois Parentage Act of 2015~~ shall be commenced after 12
13 months from the date of birth of the child.

14 (Source: P.A. 99-763, eff. 1-1-17.)

15 (750 ILCS 47/75)

16 Sec. 75. Application. The provisions of this Act shall
17 apply only to gestational surrogacy agreements ~~contracts~~
18 entered into after the effective date of this Act.

19 (Source: P.A. 93-921, eff. 1-1-05.)

20 Section 15. The Adoption Act is amended by adding Section
21 21.1 as follows:

22 (750 ILCS 50/21.1 new)

1 Sec. 21.1. Confirmatory adoption for children born through
2 assisted reproduction.

3 (a) As used in this Section, the following words and terms
4 shall have the following meanings unless the context shall
5 clearly indicate another or different meaning or intent:

6 "Assisted reproduction" means the definition provided in
7 the Illinois Parentage Act of 2015.

8 "Marriage" means and includes civil union and any legal
9 relationship that provides substantially the same rights,
10 benefits, and responsibilities as marriage and is recognized
11 as valid in the state or jurisdiction in which it was entered.

12 "Petitioner" means the person filing a petition for
13 adoption in accordance with this Section.

14 (b) A petition for adoption may be filed in accordance
15 with this Section if a child is born (1) as a result of
16 assisted reproduction involving a donor in compliance with
17 Article 7; or (2) as a result of an arrangement in substantial
18 compliance with the Gestational Surrogacy Act and the
19 pleadings provide relevant documentation regarding compliance
20 or substantial compliance.

21 (c) The court may proceed in accordance with this Section
22 under other circumstances not outlined in subsection (b) in
23 its discretion.

24 (d) A complete petition shall be comprised of the
25 following:

26 (1) the petition for adoption signed by each

1 petitioner;

2 (2) a copy of the petitioners' marriage certificate,
3 if petitioners are married;

4 (3) a declaration by the petitioners explaining the
5 circumstances of the child's birth through assisted
6 reproduction, attesting to their consent to assisted
7 reproduction, and medical or other documentation relating
8 to the assisted reproduction regarding procurement of
9 donor gamete(s) or medical procedures resulting in the
10 pregnancy and birth of the child; and

11 (4) a copy of the child's birth certificate.

12 (e) A complete petition for adoption, as described in
13 subsection (c) of this Section, shall serve as the
14 petitioners' written consents to adoption, and no additional
15 consent or notice shall be required. The petition shall be
16 verified by the petitioners.

17 (f) If the petitioners conceived through assisted
18 reproduction with donor gamete or donor embryo under Article 7
19 of the Illinois Parentage Act of 2015, the court shall not
20 require notice of the adoption to the donor.

21 (g) Unless otherwise ordered by the court for good cause
22 shown and supported by written findings, for purposes of
23 evaluating and granting a petition for adoption under this
24 Section, the court may not require any of the following:

25 (1) an in-person hearing or appearance;

26 (2) an investigation or home study by, notice to, or

1 approval of the Department of Children and Family
2 Services;

3 (3) appointment of a guardian ad litem;

4 (4) a criminal background check; or

5 (5) a minimum residency period in the home of the
6 petitioners.

7 (h) The court shall grant the adoption under this Section
8 and issue a decree of adoption within 30 days or as soon as is
9 possible after the petition has been filed if it finds:

10 (1) the child was born through assisted reproduction;

11 (2) each intended parent consented to the assisted
12 reproduction as evidenced by the parent's signature to the
13 petition; and

14 (3) there are no competing claims of parentage.

15 (i) A petition to adopt pursuant to this Section, when a
16 petitioner's parentage is presumed or legally recognized under
17 Illinois law, must not be denied on the basis that the
18 petitioner's parentage is already presumed or legally
19 recognized.

20 (j) Effect on other laws. When parentage is presumed or
21 legally recognized under Illinois law, it may not be
22 considered as evidence of parentage or evidence of the best
23 interests of the child in any manner that the parties did not
24 petition for adoption under this Section.

25 (k) For purposes of a confirmatory adoption, jurisdiction
26 and venue is governed by Section 603 of the Illinois Parentage

1 Act of 2015 or the Adoption Act.

2 (1) The confidentiality provisions in Section 18 apply to
3 this Section.

4 Section 99. Effective date. This Act takes effect upon
5 becoming law, except that the changes to Sections 301, 302,
6 303, and 305 of the Illinois Parentage Act of 2015 take effect
7 on January 1, 2026.".