



## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

HB2683

Introduced 2/6/2025, by Rep. Tracy Katz Muhl

#### SYNOPSIS AS INTRODUCED:

See Index

Specifies that the amendatory Act may be referred to as the Equality for Every Family Act. Amends the Illinois Parentage Act of 2015. Declares it to be the public policy of Illinois that a child has the same rights and protections under law to parentage without regard to the marital status, age, gender, gender identity or sexual orientation of their parents, or the circumstances of the child's birth, including whether the child was born as a result of assisted reproduction or surrogacy. Changes the burden of proof for challenging a presumption of parentage from clear and convincing evidence to a preponderance of the evidence. Provides that a person who gave birth to a child and an alleged genetic parent of the child, a presumed parent under the Illinois Parentage Act of 2015, or an intended parent under the assisted reproduction provisions may sign an acknowledgment of parentage to establish the parentage of the child. Prohibits genetic testing from being used to: (i) challenge the parentage of a person who is a parent by assisted reproduction under the Illinois Parentage Act of 2015 or the Gestational Surrogacy Act; or (ii) establish the parentage of a person who is a donor. Changes the venue provisions for a proceeding to adjudicate parentage and the related notice provisions in such a proceeding. Provides that an individual who consents to assisted reproduction with the intent to be a parent of a child conceived by assisted reproduction is a parent of the child. Amends the Illinois Gestational Surrogacy Act. Contains provisions describing the consequences if a change in the marital status of a surrogate occurs. Sets out provisions concerning the termination of a gestational surrogacy agreement. Amends the Adoption Act. Provides a process for a confirmatory adoption for children born through assisted reproduction. Defines terms. Makes other changes. Effective immediately.

LRB104 07510 JRC 17554 b

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

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

6 Section 5. The Illinois Parentage Act of 2015 is amended  
7 by changing Sections 102, 103, 105, 107, 201, 204, 205, 206,  
8 301, 302, 303, 305, 401, 402, 403, 404, 405, 407, 408, 501,  
9 502, 601, 602, 603, 604, 605, 606, 608, 609, 610, 612, 614,  
10 615, 617, 621, 622, 702, 703, 704, 705, 707, 708, 709, and 710  
11 and by adding Section 704.5 as follows:

12 (750 ILCS 46/102)

13 Sec. 102. Public policy. Illinois recognizes the right of  
14 every child to the physical, mental, emotional, and financial  
15 support of a parent or ~~his or her~~ parents. The parent-child  
16 relationship, including support obligations, extends equally  
17 to every child and ~~to his or her~~ parent or ~~to each of his or~~  
18 ~~her~~ <sup>2</sup> parents, regardless of the legal relationship of the  
19 parents, and regardless of whether a parent is a minor. A child  
20 shall have the same rights and protections under law to  
21 parentage without regard to the marital status, age, gender,  
22 gender identity or sexual orientation of their parents or the

1 circumstances of the child's birth, including whether the  
2 child was born as a result of assisted reproduction or  
3 surrogacy.

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

5 (750 ILCS 46/103)

6 Sec. 103. Definitions. In this Act:

7 (a) "Acknowledged parent ~~father~~" means a person ~~man~~ who  
8 has established a parent-child ~~father-child~~ relationship under  
9 Article 3.

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

14 (c) "Alleged genetic parent ~~father~~" means a person ~~man~~ who  
15 alleges ~~himself~~ to be, or is alleged to be, a genetic parent  
16 ~~the biological father or a possible biological father~~ of a  
17 child, ~~but~~ whose parentage ~~paternity~~ has not been adjudicated  
18 ~~established~~. The term does not include:

19 (1) a presumed parent or acknowledged parent ~~father~~;

20 ~~or~~

21 (2) a person ~~man~~ whose parental rights have been  
22 terminated or declared not to exist; or

23 (3) a donor.

24 (d) "Assisted reproduction" means a method of achieving a  
25 pregnancy through means other than by sexual intercourse,

1 including, but not limited to, all of the following: (1)  
2 artificial insemination or intrauterine, intracervical, or  
3 vaginal insemination; (2) donation of gametes; (3) donation of  
4 embryos; (4) in vitro fertilization and embryo transfer; (5)  
5 intracytoplasmic sperm injection; or (6) assisted reproductive  
6 technology ~~an artificial insemination or an embryo transfer~~  
7 ~~and includes gamete and embryo donation.~~ "Assisted  
8 reproduction" does not include any pregnancy achieved through  
9 sexual intercourse.

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

12 (f) "Combined parentage ~~paternity~~ index" means the  
13 likelihood of parentage ~~paternity~~ calculated by computing the  
14 ratio between:

15 (1) the likelihood that the tested person ~~man~~ is the  
16 parent ~~father~~, based on the genetic markers of the tested  
17 person, parent who gave birth ~~man, mother~~, and child,  
18 conditioned on the hypothesis that the tested person ~~man~~  
19 is the parent ~~father~~ of the child; and

20 (2) the likelihood that the tested person ~~man~~ is not  
21 the parent ~~father~~, based on the genetic markers of the  
22 tested person, parent who gave birth ~~man, mother~~, and  
23 child, conditioned on the hypothesis that the tested  
24 person ~~man~~ is not the parent ~~father~~ of the child and that  
25 the parent of the child ~~father~~ is of the same ethnic or  
26 racial group as the tested person ~~man~~.

1 (g) "Commence" means to file the initial pleading seeking  
2 an adjudication of parentage in the circuit court of this  
3 State.

4 (h) "Determination of parentage" means the establishment  
5 of the parent-child relationship by the signing of a voluntary  
6 acknowledgment under Article 3 of this Act or adjudication by  
7 the court or as authorized under Article X of the Illinois  
8 Public Aid Code.

9 (i) "Donor" means a person who provides gametes intended  
10 for use in assisted reproduction, whether or not for  
11 compensation. "Donor" does not include a person who is a  
12 parent under Article 7 or an intended parent under the  
13 Gestational Surrogacy Act ~~an individual who participates in an~~  
14 ~~assisted reproductive technology arrangement by providing~~  
15 ~~gametes and relinquishes all rights and responsibilities to~~  
16 ~~the gametes so that another individual or individuals may~~  
17 ~~become the legal parent or parents of any resulting child.~~  
18 ~~"Donor" does not include a spouse in any assisted reproductive~~  
19 ~~technology arrangement in which his or her spouse will parent~~  
20 ~~any resulting child.~~

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

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

26 (l) "Genetic testing" means an analysis of genetic markers

1 to exclude or identify a person ~~man~~ as the parent ~~father or a~~  
2 ~~woman as the mother~~ of a child as provided in Article 4 of this  
3 Act.

4 (l-5) "Gestational surrogacy" means the process by which a  
5 person ~~woman~~ attempts to carry and give birth to a child  
6 created through in vitro fertilization in which the  
7 gestational surrogate has made no genetic contribution to any  
8 resulting child.

9 (m) "Gestational surrogate" means a person ~~woman~~ who is  
10 not an intended parent and agrees to engage in a gestational  
11 surrogacy arrangement pursuant to the terms of a valid  
12 gestational surrogacy arrangement under the Gestational  
13 Surrogacy Act.

14 (m-5) "Intended parent" means a person ~~person~~ who consents  
15 to enters into an assisted reproduction ~~reproductive~~  
16 ~~technology arrangement~~, including a gestational surrogacy  
17 agreement, such that the person is a arrangement, under which  
18 ~~he or she will be the legal~~ parent ~~parent~~ of the resulting  
19 child. "Intended parent" includes, in the case of a married  
20 couple, both spouses for all purposes under this Act.

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

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

25 (p) "Presumed parent" means an individual who, by  
26 operation of law under Section 204 of this Act, is recognized

1 as the parent of a child unless ~~until~~ that status is rebutted  
2 or confirmed in a judicial or administrative proceeding.

3 (q) "Probability of parentage ~~paternity~~" means the  
4 measure, for the ethnic or racial group to which the alleged  
5 parent ~~father~~ belongs, of the probability that the person ~~man~~  
6 in question is the parent ~~father~~ of the child, compared with a  
7 random, unrelated person and ~~man~~ of the same ethnic or racial  
8 group, expressed as a percentage incorporating the combined  
9 parentage ~~paternity~~ index and a prior probability.

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

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

15 (t) "State" means a state of the United States, the  
16 District of Columbia, Puerto Rico, the United States Virgin  
17 Islands, or any territory or insular possession subject to the  
18 jurisdiction of the United States.

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

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

24 (1) enforcement of support orders or laws relating to  
25 the duty of support;

26 (2) establishment or modification of child support;

1           (3) determination of parentage; or  
2           (4) location of child-support obligors and their  
3           income and assets.  
4           (Source: P.A. 99-85, eff. 1-1-16; 99-763, eff. 1-1-17; 99-769,  
5           eff. 1-1-17; 100-201, eff. 8-18-17.)

6           (750 ILCS 46/105)

7           Sec. 105. Authority to establish parentage. The circuit  
8           courts are authorized to establish parentage under this Act.  
9           The Department of Healthcare and Family Services may make an  
10          administrative determination of parentage ~~determinations of~~  
11          ~~paternity and nonpaternity~~ in accordance with Section 10-17.7  
12          of the Illinois Public Aid Code. Such administrative  
13          determinations shall have the full force and effect of court  
14          judgments entered under this Act.

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

16          (750 ILCS 46/107)

17          Sec. 107. Applicability. Insofar as practicable, the  
18          provisions of this Act applicable to the parent ~~father~~ and  
19          child relationship shall apply equally without regard to  
20          gender ~~to the mother and child relationship~~ including, but not  
21          limited to, the obligation to support.

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

23          (750 ILCS 46/201)

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

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

4           (1) the person ~~woman~~ having given birth to the child,  
5 except as otherwise provided in the Gestational Surrogacy  
6 Act;

7           (2) a presumption of the person's parentage of the  
8 child under Section 204 of this Act unless the presumption  
9 is overcome in a judicial proceeding or a valid denial of  
10 parentage is made under Article 3 of this Act ~~an~~  
11 ~~adjudication of the woman's parentage;~~

12           (3) an effective voluntary acknowledgment of parentage  
13 by the person under Article 3 of this Act, unless the  
14 acknowledgment has been rescinded or successfully  
15 challenged ~~adoption of the child by the woman;~~

16           (4) an adjudication of the person's parentage; ~~a valid~~  
17 ~~gestational surrogacy arrangement that complies with the~~  
18 ~~Gestational Surrogacy Act or other law; or~~

19           (5) the person's adoption of the child; ~~an un rebutted~~  
20 ~~presumption of the woman's parentage of the child under~~  
21 ~~Section 204 of this Act~~

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

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

26           (b) (Blank). ~~The parent child relationship is established~~

1 ~~between a man and a child by:~~

2 ~~(1) an un rebutted presumption of the man's parentage~~  
3 ~~of the child under Section 204 of this Act;~~

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

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

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

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

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

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

17 (750 ILCS 46/204)

18 Sec. 204. Presumption of parentage.

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

20 (1) the person and the person who gave birth to ~~mother~~  
21 ~~of~~ the child have entered into a marriage, civil union, or  
22 substantially similar legal relationship, and the child is  
23 born, to the person who gave birth to the child, ~~mother~~  
24 during the marriage, civil union, or substantially similar  
25 legal relationship, except as provided in the Gestational

1 Surrogacy Act or other law;

2 (2) the person and the person who gave birth to ~~mother~~  
3 ~~of~~ the child were in a marriage, civil union, or  
4 substantially similar legal relationship and the child is  
5 born, to the person who gave birth to the child, ~~mother~~  
6 within 300 days after the marriage, civil union, or  
7 substantially similar legal relationship is terminated by  
8 death, declaration of invalidity of marriage, judgment for  
9 dissolution of marriage, civil union, or substantially  
10 similar legal relationship, or after a judgment for legal  
11 separation, except as provided in the Gestational  
12 Surrogacy Act or other law;

13 (3) before the birth of the child, the person and the  
14 person who gave birth to ~~mother of~~ the child entered into a  
15 marriage, civil union, or substantially similar legal  
16 relationship in apparent compliance with law, even if the  
17 attempted marriage, civil union, or substantially similar  
18 legal relationship is or could be declared invalid, and  
19 the child is born during the invalid marriage, civil  
20 union, or substantially similar legal relationship or  
21 within 300 days after its termination by death,  
22 declaration of invalidity of marriage, judgment for  
23 dissolution of marriage, civil union, or substantially  
24 similar legal relationship, or after a judgment for legal  
25 separation, except as provided in the Gestational  
26 Surrogacy Act or other law; or

1 (4) after the child's birth, the person and the person  
2 who gave birth to the child ~~child's mother~~ have entered  
3 into a marriage, civil union, or substantially similar  
4 legal relationship, even if the marriage, civil union, or  
5 substantially similar legal relationship is or could be  
6 declared invalid, and the person is named, with the  
7 person's written consent, as the child's parent on the  
8 child's birth certificate.

9 (5) The person, jointly with another parent, resided  
10 in the same household with the child and openly held out  
11 the child as the person's own child from the time the child  
12 was born or adopted and for a period of at least 2 years  
13 thereafter, including any period of temporary absence.

14 (b) If 2 or more conflicting presumptions arise under this  
15 Section, the presumption which on the facts is founded on the  
16 weightier considerations of policy and logic, especially the  
17 policy of promoting the child's best interests, controls.

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

19 (750 ILCS 46/205)

20 Sec. 205. Proceedings to declare the non-existence of the  
21 parent-child relationship.

22 (a) An action to declare the non-existence of the  
23 parent-child relationship may be brought by the child, the  
24 person who gave birth to the child ~~mother~~, or a person presumed  
25 to be a parent under Section 204 of this Act. Actions brought

1 by the child, the person who gave birth to the child ~~mother~~, or  
2 a presumed parent shall be brought by verified complaint,  
3 which shall be designated a petition. After a presumption  
4 under Section 204 of this Act has been rebutted, parentage of  
5 the child by another person ~~man or woman~~ may be established in  
6 the same action, if such person ~~he or she~~ has been made a  
7 party.

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

18 (c) An action to declare the non-existence of the  
19 parent-child relationship may be brought subsequent to an  
20 adjudication of parentage in any judgment by the person ~~man~~  
21 adjudicated to be the parent pursuant to a presumption in  
22 paragraphs (a)(1) through (a)(4) of Section 204 if, as a  
23 result of deoxyribonucleic acid (DNA) testing, it is  
24 discovered that the person ~~man~~ adjudicated to be the parent is  
25 not the parent ~~father~~ of the child. Actions brought by the  
26 adjudicated parent ~~father~~ shall be brought by verified

1 petition. If, as a result of the deoxyribonucleic acid (DNA)  
2 testing that is admissible under Section 614 of this Act, the  
3 petitioner is determined not to be the parent ~~father~~ of the  
4 child, the adjudication of parentage ~~paternity~~ and any orders  
5 regarding the allocation of parental responsibilities,  
6 parenting time, and future payments of support may be vacated.  
7 This provision shall not apply to actions involving parentage  
8 of children born through assisted reproduction.

9 (d) An action to declare the non-existence of the  
10 parent-child relationship brought under subsection (c) of this  
11 Section shall be barred if brought more than 2 years after the  
12 petitioner obtains actual knowledge of relevant facts. The  
13 2-year period shall not apply to periods of time where the  
14 person who gave birth to the child ~~mother~~ or the child refuses  
15 to submit to deoxyribonucleic acid (DNA) testing. The 2-year  
16 period for bringing an action to declare the non-existence of  
17 the parent-child relationship shall not extend beyond the date  
18 on which the child reaches the age of 18 years.

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

20 (750 ILCS 46/206)

21 Sec. 206. Presumption; burden of proof. A person  
22 challenging a presumption under Section 204 of this Act may  
23 rebut the presumption with a preponderance of the ~~clear and~~  
24 ~~convincing~~ evidence.

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

1 (750 ILCS 46/301)

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

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

17 (750 ILCS 46/302)

18 Sec. 302. Execution of voluntary acknowledgment.

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

21 (1) be in a record;

22 (2) be signed, or otherwise authenticated, under  
23 penalty of perjury by the person who gave birth to the  
24 child ~~mother~~ and by the person ~~man~~ seeking to establish

1 ~~his~~ parentage;

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

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

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

8 (4) be witnessed; and

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

17 (b) An acknowledgment is void if it:

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

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

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

26 (c) A presumed parent ~~father~~ may sign or otherwise

1 authenticate a voluntary acknowledgment.

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

3 (750 ILCS 46/303)

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

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

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

11 (c) the presumed parent has not previously:

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

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

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

19 (750 ILCS 46/305)

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

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

1 law, is equivalent to an adjudication of the parentage of a  
2 child and confers upon the acknowledged parent ~~father~~ all of  
3 the rights and duties of a parent.

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

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

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

17 (750 ILCS 46/401)

18 Sec. 401. Proceeding authorized. As soon as practicable, a  
19 court or an administrative hearing officer in an Expedited  
20 Child Support System may, and upon the request of a party  
21 except as provided in Section 610 of this Act, or of the child,  
22 shall order or direct the parent who gave birth to the child  
23 ~~mother~~, the child, and the alleged parent ~~father~~ to submit to  
24 deoxyribonucleic acid (DNA) testing to determine inherited  
25 characteristics. If any party refuses to submit to genetic

1 testing, the court may resolve the question of parentage  
2 ~~paternity~~ against that party or enforce its order if the  
3 rights of others and the interests of justice so require.  
4 Genetic testing may not be used to: (1) challenge the  
5 parentage of a person who is a parent under Article 7 or the  
6 Gestational Surrogacy Act, inclusive; or (2) establish the  
7 parentage of a person who is a donor.

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

9 (750 ILCS 46/402)

10 Sec. 402. Requirements for genetic testing.

11 (a) The genetic testing shall be conducted by an expert  
12 qualified as an examiner of blood or tissue types and  
13 appointed by the court. The expert shall determine the genetic  
14 testing procedures. However, any interested party, for good  
15 cause shown, in advance of the scheduled genetic testing, may  
16 request a hearing to object to the qualifications of the  
17 expert or the genetic testing procedures. The expert appointed  
18 by the court shall testify at the pre-test hearing at the  
19 expense of the party requesting the hearing, except for an  
20 indigent party as provided in Section 405 of this Act. An  
21 expert not appointed by the court shall testify at the  
22 pre-test hearing at the expense of the party retaining the  
23 expert. Inquiry into an expert's qualifications at the  
24 pre-test hearing shall not affect either party's right to have  
25 the expert qualified at trial.

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

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

8 (d) The testing laboratory shall determine the databases  
9 from which to select frequencies for use in calculation of the  
10 probability of parentage ~~paternity~~ based on the ethnic or  
11 racial group of an individual or individuals. If there is  
12 disagreement as to the testing laboratory's choice, the  
13 following rules apply:

14 (1) The individual objecting may require the testing  
15 laboratory, within 30 days after receipt of the report of  
16 the genetic testing, to recalculate the probability of  
17 parentage ~~paternity~~ using an ethnic or racial group  
18 different from that used by the laboratory.

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

21 (A) if the frequencies are not available to the  
22 testing laboratory for the ethnic or racial group  
23 requested, provide the requested frequencies compiled  
24 in a manner recognized by accrediting bodies; or

25 (B) engage another testing laboratory to perform  
26 the calculations.

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

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

7 (750 ILCS 46/403)

8 Sec. 403. Genetic test results.

9 (a) The expert shall prepare a written report of the  
10 genetic test results. If the genetic test results show that  
11 the alleged parent ~~father~~ is not excluded, the report shall  
12 contain statistics based upon the statistical formula of  
13 combined parentage ~~paternity~~ index (CPI) and the probability  
14 of parentage ~~paternity~~ as determined by the probability of  
15 exclusion (Random Person ~~Man~~ Not Excluded = RPNE ~~PMNE~~). The  
16 expert may be called by the court as a witness to testify to  
17 the expert's ~~his or her~~ findings and, if called, shall be  
18 subject to cross-examination by the parties. If the genetic  
19 test results show that the alleged parent ~~father~~ is not  
20 excluded, any party may demand that other experts, qualified  
21 as examiners of blood or tissue types, perform independent  
22 genetic testing under order of court, including, but not  
23 limited to, blood types or other testing of genetic markers.  
24 The results of the genetic testing may be offered into  
25 evidence. The number and qualifications of the experts shall

1 be determined by the court.

2 (b) Documentation of the chain of custody of the blood or  
3 tissue samples, accompanied by an affidavit or certification  
4 in accordance with Section 1-109 of the Code of Civil  
5 Procedure, is competent evidence to establish the chain of  
6 custody.

7 (c) The report of the genetic test results prepared by the  
8 appointed expert shall be made by affidavit or by  
9 certification as provided in Section 1-109 of the Code of  
10 Civil Procedure and shall be mailed to all parties. A proof of  
11 service shall be filed with the court. The verified report  
12 shall be admitted into evidence at trial without foundation  
13 testimony or other proof of authenticity or accuracy, unless a  
14 written motion challenging the admissibility of the report is  
15 filed by either party within 28 days of receipt of the report,  
16 in which case expert testimony shall be required. A party may  
17 not file such a motion challenging the admissibility of the  
18 report later than 28 days before commencement of trial. Before  
19 trial, the court shall determine whether the motion is  
20 sufficient to deny admission of the report by verification.  
21 Failure to make that timely motion constitutes a waiver of the  
22 right to object to admission by verification and shall not be  
23 grounds for a continuance of the hearing to establish  
24 parentage ~~paternity~~.

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

1 (750 ILCS 46/404)

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

4 (a) If the court finds that the conclusion of the  
5 expert or experts, as disclosed by the evidence based upon  
6 the genetic testing, is that the alleged parent ~~father~~ is  
7 not the parent of the child, the question of parentage  
8 ~~paternity~~ shall be resolved accordingly.

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

12 (c) If the genetic testing results indicate that the  
13 alleged parent ~~father~~ is not excluded and that the  
14 combined parentage ~~paternity~~ index is at least 1,000 to 1,  
15 and there is at least a 99.9% probability of parentage  
16 ~~paternity~~, the alleged parent ~~father~~ is presumed to be the  
17 parent ~~father~~, and this evidence shall be admitted.

18 (d) A person ~~man~~ identified under subsection (c) of  
19 this Section as the parent ~~father~~ of the child may rebut  
20 the genetic testing results by other genetic testing  
21 satisfying the requirements of this Article which:

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

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

26 (e) Except as otherwise provided in this Article, if

1 more than one person ~~man~~ is identified by genetic testing  
2 as the possible parent ~~father~~ of the child, the court  
3 shall order them to submit to further genetic testing to  
4 identify the genetic parent ~~father~~.

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

6 (750 ILCS 46/405)

7 Sec. 405. Cost of genetic testing. The expense of the  
8 genetic testing shall be paid by the party who requests the  
9 genetic testing, except that the court may apportion the costs  
10 between the parties, upon request. When the genetic testing is  
11 requested by the party seeking to establish parentage  
12 ~~paternity~~ and that party is found to be indigent by the court,  
13 the expense shall be paid by the public agency providing  
14 representation; except that where a public agency is not  
15 providing representation, the expense shall be paid by the  
16 county in which the action is brought. When the genetic  
17 testing is ordered by the court on its own motion or is  
18 requested by the alleged or presumed parent ~~father~~ and that  
19 parent ~~father~~ is found to be indigent by the court, the expense  
20 shall be paid by the county in which the action is brought. Any  
21 part of the expense may be taxed as costs in the action, except  
22 that no costs may be taxed against a public agency that has not  
23 requested the genetic testing.

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

1 (750 ILCS 46/407)

2 Sec. 407. Independent genetic testing. Nothing in this  
3 Article shall prevent a party from obtaining genetic testing  
4 of the party's ~~his or her~~ own blood or tissue independent of  
5 those ordered by the court or from presenting expert testimony  
6 interpreting those tests or any other blood tests ordered  
7 under this Article. Reports of all the independent tests,  
8 accompanied by affidavit or certification pursuant to Section  
9 1-109 of the Code of Civil Procedure, and notice of any expert  
10 witnesses to be called to testify to the results of those tests  
11 shall be submitted to all parties at least 30 days before any  
12 hearing set to determine the issue of parentage.

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

14 (750 ILCS 46/408)

15 Sec. 408. Additional persons to be tested.

16 (a) Subject to subsection (b), if a genetic-testing  
17 specimen is not available from a person ~~man~~ who may be the  
18 parent ~~father~~ of a child, for good cause and under  
19 circumstances the court considers to be just, the court may  
20 order the following individuals to submit specimens for  
21 genetic testing:

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

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

24 (3) other children of the person and the parent who  
25 gave birth to the person ~~man and their mothers~~; and

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

3 (b) Issuance of an order under this Section requires a  
4 finding that a need for genetic testing outweighs the  
5 legitimate interests of the individual sought to be tested,  
6 and in no event shall an order be issued until the individual  
7 is joined as a party and given notice as required under the  
8 Code of Civil Procedure.

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

10 (750 ILCS 46/501)

11 Sec. 501. Temporary orders.

12 (a) On a motion by a party and a showing of clear and  
13 convincing evidence of parentage, the court shall issue a  
14 temporary order for support of a child, including a non-minor  
15 child with a disability, if the order is appropriate and the  
16 individual ordered to pay support is:

17 (1) a presumed parent of the child;

18 (2) petitioning to have parentage adjudicated;

19 (3) identified as the parent ~~father~~ through genetic  
20 testing under Article 4 of this Act;

21 (4) an alleged parent ~~father~~ who has declined to  
22 submit to genetic testing;

23 (5) shown by clear and convincing evidence to be the  
24 child's parent ~~father~~;

25 (6) the parent who gave birth to ~~mother of~~ the child

1           except under the Gestational Surrogacy Act; or

2           (7) anyone else determined to be the child's parent.

3           In determining the amount of a temporary child support  
4           award, the court shall use the guidelines and standards set  
5           forth in Sections 505, 505.2, and 513.5 of the Illinois  
6           Marriage and Dissolution of Marriage Act.

7           (b) A temporary order may include provisions for the  
8           allocation of parental responsibilities and parenting time as  
9           provided by the Illinois Marriage and Dissolution of Marriage  
10          Act. A temporary order may, in accordance with the provisions  
11          of subsection (a) of Section 508 of the Illinois Marriage and  
12          Dissolution of Marriage Act that relate to proceedings other  
13          than pre-judgment dissolution proceedings, include an award  
14          for interim attorney's fees and costs.

15          (c) Temporary orders issued under this Section shall not  
16          have prejudicial effect with respect to final child support,  
17          the allocation of parental responsibilities, or parenting time  
18          orders.

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

20                 (750 ILCS 46/502)

21                 Sec. 502. Injunctive relief.

22                 (a) In any action brought under this Act for the initial  
23                 determination of parentage, the allocation of parental  
24                 responsibilities or parenting time, or for modification of a  
25                 prior allocation order or judgment or parenting time order,

1 the court, upon application of a party, may enjoin a party  
2 having physical possession or an allocation order or judgment  
3 from temporarily relocating the child from this State pending  
4 the adjudication of the issues of parentage, the allocation of  
5 parental responsibilities, and parenting time. When deciding  
6 whether to enjoin relocation of a child, or to order a party to  
7 return the child to this State, the court shall consider  
8 factors including, but not limited to:

9 (1) the extent of previous involvement with the child  
10 by the party seeking to enjoin relocation or to have the  
11 absent party return the child to this State;

12 (2) the likelihood that parentage will be established;  
13 and

14 (3) the impact on the financial, physical, and  
15 emotional health of the party being enjoined from  
16 relocating the child or the party being ordered to return  
17 the child to this State.

18 (b) A temporary restraining order or preliminary  
19 injunction under this Act shall be governed by the relevant  
20 provisions of Part 1 of Article XI of the Code of Civil  
21 Procedure.

22 (c) Notwithstanding the provisions of subsection (a) of  
23 this Section, the court may decline to enjoin a domestic  
24 violence victim having physical possession or an allocation  
25 order or judgment from temporarily or permanently relocating  
26 the child from this State pending an allocation of parental

1 responsibilities or an adjudication of parenting time. In  
2 determining whether a person is a domestic violence victim,  
3 the court shall consider the following factors:

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

7 (2) a sworn statement that the person fears for the  
8 person's ~~his or her~~ safety or the safety of the person's  
9 ~~his or her~~ children;

10 (3) evidence from police, court, or other government  
11 agency records or files;

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

14 (5) documentation from a legal, clerical, medical, or  
15 other professional from whom the person has sought  
16 assistance in dealing with the alleged domestic violence;  
17 and

18 (6) any other evidence that supports the sworn  
19 statements, such as a statement from any other individual  
20 with knowledge of the circumstances that provides the  
21 basis for the claim, or physical evidence of the domestic  
22 violence.

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

24 (750 ILCS 46/601)

25 Sec. 601. Proceeding authorized. A civil proceeding may be

1 maintained to adjudicate the parentage of a child. The  
2 proceeding is governed by the Code of Civil Procedure and  
3 Illinois Supreme Court Rules. Administrative proceedings  
4 adjudicating parentage ~~paternity~~ shall be governed by Section  
5 10-17.7 of the Illinois Public Aid Code.

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

7 (750 ILCS 46/602)

8 Sec. 602. Standing. A complaint to adjudicate parentage  
9 shall be verified, shall be designated a petition, and shall  
10 name the person or persons alleged to be the parent of the  
11 child. Subject to Article 3 and Sections 607, 608, and 609 of  
12 this Act, a proceeding to adjudicate parentage may be  
13 maintained by:

14 (a) the child;

15 (b) the person who gave birth to ~~mother of~~ the child;

16 (c) a pregnant person ~~woman~~;

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

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

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

23 (f) ~~(g)~~ any person or public agency that has physical  
24 possession of or has custody of or has been allocated  
25 parental responsibilities for, is providing financial

1 support to, or has provided financial support to the  
2 child;

3 (g) ~~(h)~~ the Department of Healthcare and Family  
4 Services if it is providing, or has provided, financial  
5 support to the child or if it is assisting with child  
6 support collections services;

7 (h) ~~(i)~~ an authorized adoption agency or licensed  
8 child welfare agency;

9 (i) ~~(j)~~ a representative authorized by law to act for  
10 an individual who would otherwise be entitled to maintain  
11 a proceeding but who is deceased, incapacitated, or a  
12 minor; or

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

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

15 (750 ILCS 46/603)

16 Sec. 603. Subject matter and personal jurisdiction.

17 (a) The circuit courts of this State shall have  
18 jurisdiction of an action brought under this Act. In a civil  
19 action not brought under this Act, the provisions of this Act  
20 shall apply if parentage is at issue. The court may join any  
21 action under this Act with any other civil action in which this  
22 Act is applicable.

23 (b) An individual may not be adjudicated to be a parent  
24 unless the court has personal jurisdiction over the  
25 individual.

1 (c) A court of this State having jurisdiction to  
2 adjudicate parentage may exercise personal jurisdiction over a  
3 nonresident individual, or the guardian or conservator of the  
4 individual, if the conditions prescribed in Section 201 of the  
5 Uniform Interstate Family Support Act exist, including, but  
6 not limited to: if the individual engaged in sexual  
7 intercourse in this State and the child may have been  
8 conceived by that act if intercourse; the individual consented  
9 to assisted reproduction that occurred in this State that  
10 resulted in the conception of the child; if the individual  
11 consented to a medical procedure that occurred in this State  
12 related to assisted reproduction that resulted in the  
13 conception of the child; if the child was born or is  
14 anticipated to be born in this State; an individual consented  
15 to a mental health consultation that occurred in this State  
16 pursuant to the Gestational Surrogacy Act, or there is any  
17 other basis consistent with the constitutions of this State  
18 and the United States for the exercise of personal  
19 jurisdiction ~~are fulfilled.~~

20 (d) Lack of jurisdiction over one individual does not  
21 preclude the court from making an adjudication of parentage  
22 binding on another individual over whom the court has personal  
23 jurisdiction.

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

1           Sec. 604. Venue.

2           (a) Venue for a proceeding to adjudicate parentage is  
3 proper in any county of this State in which; a medical  
4 procedure or mental health consultation occurs under the  
5 Gestational Surrogacy Act or Article 7 of this Act; a party  
6 resides; the child resides or is located; the child is born or  
7 anticipated to be born;~~7~~ or, if the presumed or alleged parent  
8 ~~father~~ is deceased, ~~in which~~ a proceeding for probate or  
9 administration of the presumed or alleged parent's ~~father's~~  
10 estate has been commenced~~7~~ or could be commenced.

11           (b) A proceeding for the allocation of parental  
12 responsibilities is commenced in the county where the child  
13 resides.

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

15           (750 ILCS 46/605)

16           Sec. 605. Notice to presumed parent.

17           (a) Except in cases governed under the Gestational  
18 Surrogacy Act, the petitioner shall give notice of a  
19 proceeding to adjudicate parentage to the following  
20 individuals:

21                 (1) the individual who gave birth to the child, unless  
22 a court has adjudicated that the individual is not a  
23 parent;

24                 (2) an individual who is a parent of the child under  
25 this act;

1           (3) a presumed, acknowledged, or adjudicated parent of  
2           the child; and

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

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

7           (c) Lack of notice required by subsection (a) does not  
8           render a judgment void. Lack of notice does not preclude an  
9           individual entitled to notice under subsection (a) from  
10           bringing a proceeding under subsection (b) of Section 609.

11           ~~(d) A In any action brought under Article 3 or Article 6 of~~  
12           ~~this Act where the individual signing the petition for an~~  
13           ~~order establishing the existence of the parent-child~~  
14           ~~relationship by consent or the individual alleged to be the~~  
15           ~~parent in a petition is different from an individual who is~~  
16           ~~presumed to be the parent of the child under Article 2 of this~~  
17           ~~Act, a notice required by this Section shall be served on the~~  
18           ~~individual presumed parent in the same manner as summonses are~~  
19           ~~served in other civil proceedings or, in lieu of personal~~  
20           ~~service, service may be made as follows:~~

21           (1) The petitioner ~~person requesting notice~~ shall pay  
22           to the clerk of the circuit court a mailing fee of \$1.50  
23           and furnish to the clerk of the circuit court an original  
24           and one copy of a notice together with an affidavit  
25           setting forth the individual's ~~presumed parent's~~ last  
26           known address. The original notice shall be retained by

1 the clerk of the circuit court.

2 (2) The clerk of the circuit court shall promptly mail  
3 to the individual ~~presumed parent~~, at the address  
4 appearing in the affidavit, the copy of the notice by  
5 certified mail, return receipt requested. The envelope and  
6 return receipt shall bear the return address of the clerk  
7 of the circuit court. The receipt for certified mail shall  
8 state the name and address of the addressee and the date of  
9 mailing and shall be attached to the original notice.

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

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

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

16 "IN THE MATTER OF NOTICE TO ..... INDIVIDUAL ~~PRESUMED~~  
17 ~~PARENT~~.

18 You have been identified as an individual with a claim to  
19 parentage ~~the presumed parent~~ of ....., born on .....  
20 The ~~birth~~ parent who gave birth to ~~of~~ the child is .....

21 An action is being brought to establish the parent-child  
22 relationship between the named child and a parent named by the  
23 person filing this action, .....

24 You may ~~As the presumed parent, you~~ have certain legal  
25 rights with respect to the named child, including the right to  
26 notice of the filing of proceedings instituted for the

1 establishment of parentage of the named child and, in some  
2 situations ~~if named as a parent in a petition to establish~~  
3 ~~parentage~~, the right to submit to, along with the ~~birth~~ parent  
4 who gave birth to the child and the child, deoxyribonucleic  
5 acid (DNA) tests to determine inherited characteristics,  
6 subject to Section 610 of the Illinois Parentage Act of 2015.  
7 If you wish to assert your rights with respect to the child  
8 named in this notice, you must file with the Clerk of this  
9 Circuit Court of ..... County, Illinois, whose address is  
10 ....., within 30 days after the date of receipt of this  
11 notice, ~~a declaration of parentage stating that you are, in~~  
12 ~~fact, the parent of the named child and~~ that you intend to  
13 assert your legal rights with respect to the child, or that you  
14 request to be notified of any further proceedings with respect  
15 to the parentage of the child.

16 If you do not file ~~a declaration of parentage or~~ a request  
17 for notice, then you may be later barred from asserting  
18 parentage claims ~~whatever legal rights you have~~ with respect  
19 to the named child, and ~~including the right to notice of any~~  
20 ~~future proceedings for the establishment of parentage of the~~  
21 ~~child, may be terminated without any further notice to you.~~  
22 ~~When your legal rights with respect to the named child are~~  
23 ~~terminated,~~ you will not be entitled to notice of any future  
24 proceedings."

25 (f) ~~(e)~~ The notice ~~to a presumed parent~~ under this Section  
26 in any action brought by a public agency shall be prepared and

1 mailed by the public agency, and the mailing fee to the clerk  
2 of the circuit court shall be waived.

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

4 (750 ILCS 46/606)

5 Sec. 606. Summons. The summons that is served on a  
6 respondent shall include the return date on or by which the  
7 respondent must appear and shall contain the following  
8 information, in a prominent place and in conspicuous language,  
9 in addition to the information required to be provided under  
10 the laws of this State: "If you do not appear as instructed in  
11 this summons, you may be required to support the child named in  
12 this petition until the child is at least 18 years old. You may  
13 also have to pay the pregnancy and delivery costs of the parent  
14 who gave birth ~~mother~~."

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

16 (750 ILCS 46/608)

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

18 (a) An alleged parent ~~father~~, as that term is defined in  
19 Section 103 of this Act, must commence an action to establish a  
20 parent-child relationship for a child having a presumed parent  
21 not later than 2 years after the petitioner knew or should have  
22 known of the relevant facts. The time the petitioner is under  
23 legal disability or duress or the ground for relief is  
24 fraudulently concealed shall be excluded in computing the

1 period of 2 years.

2 (b) A proceeding seeking to declare the non-existence of  
3 the parent-child relationship between a child and the child's  
4 presumed parent ~~father~~ may be maintained at any time by a  
5 person described in paragraphs (1) through (4) of subsection  
6 (a) of Section 204 of this Act if the court determines that the  
7 presumed parent ~~father~~ and the person who gave birth to ~~mother~~  
8 ~~of~~ the child neither cohabited nor engaged in sexual  
9 intercourse with each other during the probable time of  
10 conception.

11 (c) An adjudication under this Section shall serve as a  
12 rebuttal or confirmation of a presumed parent as defined in  
13 subsection (p) of Section 103.

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

15 (750 ILCS 46/609)

16 Sec. 609. Limitation; child having acknowledged or  
17 adjudicated parent.

18 (a) If a child has an acknowledged parent, a signatory to  
19 the acknowledgment described in Section 301 of this Act or  
20 related denial may commence a proceeding seeking to challenge  
21 the acknowledgment or denial or challenge the parentage  
22 ~~paternity~~ of the child only within the time allowed under  
23 Section 309 of this Act.

24 (b) If a child has an acknowledged parent or an  
25 adjudicated parent, an individual, other than the child, who

1 is neither a signatory to the acknowledgment nor a party to the  
2 adjudication and who seeks an adjudication of parentage of the  
3 child must commence a proceeding not later than 2 years after  
4 the effective date of the acknowledgment or adjudication.

5 (c) A proceeding under this Section is subject to the  
6 application of the principles of estoppel established in  
7 Section 610 of this Act.

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

9 (750 ILCS 46/610)

10 Sec. 610. Factors in adjudicating parentage ~~Authority to~~  
11 ~~deny motion for genetic testing.~~

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

22 (1) whether the conduct of the parent, acknowledged  
23 parent, adjudicated parent, or the presumed parent estops  
24 that party from denying parentage;

25 (2) whether it would be inequitable to disprove the

1 parent-child relationship between the child and the  
2 presumed, acknowledged, or adjudicated parent; and

3 (3) it is in the child's best interests to adjudicate  
4 the individual to be the child's parent, ~~to deny genetic~~  
5 ~~testing,~~ taking into account the following factors:

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

11 (B) the length of time during which the presumed,  
12 acknowledged, or adjudicated parent has assumed the  
13 role of parent of the child;

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

17 (D) the nature of the relationship between the  
18 child and the presumed, acknowledged, or adjudicated  
19 parent;

20 (E) the age of the child;

21 (F) the harm that may result to the child if the  
22 presumed, acknowledged, or adjudicated parentage is  
23 successfully disproved;

24 (G) the nature of the relationship between the  
25 child and any alleged parent;

26 (H) the extent to which the passage of time

1 reduces the chances of establishing the parentage of  
2 another person and a child support obligation in favor  
3 of the child;

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

9 (J) any other factors the court determines to be  
10 equitable.

11 (b) Consistent with the establishment of parentage  
12 under this Act, a court may determine that a child has more  
13 than 2 parents if the court finds that it is in the best  
14 interests of the child to do so. A finding of best  
15 interests of the child under this subsection does not  
16 require a finding of unfitness of any parent or person  
17 seeking an adjudication of parentage. A determination of  
18 best interests may include consideration of evidence of  
19 prebirth intent to parent the child.

20 (c) ~~(b)~~ In a proceeding involving the application of this  
21 Section, a minor or incapacitated child must be represented by  
22 a guardian ad litem, child's representative, or attorney for  
23 the child. ~~It shall be presumed to be equitable and in the best~~  
24 ~~interests of the child to grant a motion by the child seeking~~  
25 ~~an order for genetic testing. The presumption may be overcome~~  
26 ~~by clear and convincing evidence that extraordinary~~

1 ~~circumstances exist making the genetic testing contrary to the~~  
2 ~~child's best interests.~~ The court's order denying a child's  
3 request for genetic testing must state the basis for the  
4 denial ~~upon which the presumption was overcome.~~ The court's  
5 order granting a child's request for genetic testing must  
6 specify the ways in which the testing results may be used for  
7 purposes of protecting the child's best interests.

8 (d) (Blank). ~~(e) If the court denies a motion seeking an~~  
9 ~~order for genetic testing, it shall issue an order~~  
10 ~~adjudicating the presumed parent to be the parent of the~~  
11 ~~child.~~

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

13 (750 ILCS 46/612)

14 Sec. 612. Proceeding before birth. Except as otherwise  
15 provided for in this Act, a ~~A~~ proceeding to establish  
16 parentage may be commenced before the birth of the child, but  
17 may not be concluded until after the birth of the child. The  
18 following actions may be taken before the birth of the child:

19 (a) service of process;

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

21 and

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

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

1 (750 ILCS 46/614)

2 Sec. 614. Admissibility of results of genetic testing;  
3 expenses.

4 (a) Subject to the limitations of Section 401, if ~~if~~ a  
5 child has a presumed, acknowledged, or adjudicated parent, the  
6 results of genetic testing are inadmissible to adjudicate  
7 parentage unless performed:

8 (1) with the consent of both the parent who gave birth  
9 to the child ~~mother~~ and the presumed, acknowledged, or  
10 adjudicated parent; or

11 (2) pursuant to an order of the court under Section  
12 402 of this Act.

13 (b) Copies of bills for genetic testing and for prenatal  
14 and postnatal health care for the parent who gave birth ~~mother~~  
15 and the child, which are furnished to the adverse party not  
16 less than 10 days before the date of a hearing are admissible  
17 to establish:

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

19 (2) that the charges were reasonable, necessary, and  
20 customary.

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

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

1 (750 ILCS 46/615)

2 Sec. 615. Consequences of declining genetic testing.

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

6 (b) If an individual whose parentage is being determined  
7 declines to submit to genetic testing ordered by the court or  
8 administrative agency, the court or administrative agency may  
9 adjudicate parentage contrary to the position of that  
10 individual.

11 (c) Genetic testing of the parent who gave birth to the  
12 ~~mother of a~~ child is not a condition precedent to genetically  
13 testing the child and a person ~~man~~ whose parentage ~~paternity~~  
14 is being determined. If the parent who gave birth to the child  
15 ~~mother~~ is unavailable or declines to submit to genetic  
16 testing, the court or administrative agency may order the  
17 genetic testing of the child and every person ~~man~~ whose  
18 parentage ~~paternity~~ is being adjudicated.

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

20 (750 ILCS 46/617)

21 Sec. 617. Rules for adjudication of parentage. In a  
22 proceeding involving an alleged genetic parent, if the  
23 individual who gave birth to the child is the only other  
24 individual with a claim to parentage, the ~~The~~ court shall  
25 apply the following rules to adjudicate a claim of the

1 parentage of a child:

2 (a) The parentage of a child having an adjudicated  
3 parent may be disproved only by admissible results of  
4 genetic testing, or other means, excluding that person as  
5 the parent of the child or identifying another person as  
6 the parent of the child.

7 (b) Unless the results of the genetic testing or other  
8 evidence are admitted to rebut other results of genetic  
9 testing, a person identified as the parent of a child  
10 under Section 404 of this Act may be adjudicated the  
11 parent of the child.

12 (c) If the court finds that genetic testing under  
13 Section 404 neither identifies nor excludes a person as  
14 the parent of a child, the court may not dismiss the  
15 proceeding. In that event, the results of genetic testing  
16 and other evidence are admissible to adjudicate the issue  
17 of parentage.

18 (d) Unless the results of genetic testing are admitted  
19 to rebut other results of genetic testing, a person  
20 excluded as the parent of a child by genetic testing may be  
21 adjudicated not to be the parent of the child.

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

23 (750 ILCS 46/621)

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

25 (a) Except as otherwise provided in subsection (b) of this

1 Section, a determination of parentage is binding on:

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

4 (2) all parties to an adjudication by a court acting  
5 under circumstances that satisfy the jurisdictional  
6 requirements of Section 201 of the Uniform Interstate  
7 Family Support Act.

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

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

15 (2) the adjudication of parentage was based on a  
16 finding consistent with the results of genetic testing and  
17 the consistency is declared in the determination or is  
18 otherwise shown;

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

22 (4) the child was no longer a minor at the time the  
23 proceeding was initiated and was the moving party  
24 resulting in the parentage determination; and

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

1           (c) In a proceeding for dissolution of marriage, civil  
2 union, or substantially similar legal relationship,  
3 declaration of invalidity of marriage, civil union, or  
4 substantially similar legal relationship, or legal separation,  
5 the court is deemed to have made an adjudication of the  
6 parentage of a child if the court acts under circumstances  
7 that satisfy the jurisdictional requirements of Section 201 of  
8 the Uniform Interstate Family Support Act, and the final  
9 order:

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

17           (2) provides for support of the child by the parties  
18 to the marriage, civil union, or substantially similar  
19 legal relationship, unless parentage is specifically  
20 disclaimed in the order.

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

25           (e) A party to an adjudication of parentage may challenge  
26 the adjudication only under the laws of this State relating to

1 appeal, vacation of judgments, or other judicial review.

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

3 (750 ILCS 46/622)

4 Sec. 622. Allocation of parental responsibilities or  
5 parenting time prohibited to persons ~~men~~ who parent ~~father~~  
6 through sexual assault or sexual abuse.

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

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

25 (2) at a fact-finding hearing, is found by clear and

1 convincing evidence to have committed an act of  
2 non-consensual sexual penetration for his conduct in  
3 fathering that child.

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

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

24 (d) Notwithstanding any other provision of law, the parent  
25 ~~father~~ described in subsection (a) of this Section is not  
26 entitled to any inheritance or other rights from the child

1 without the consent of the parent who gave birth to the child  
2 or the child's ~~mother or~~ guardian.

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

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

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

18 (750 ILCS 46/702)

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

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

23 (750 ILCS 46/703)

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

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

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

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

19               (2) in an agreement entered into before conception  
20 that the individual who gave birth to the child and the  
21 individual who intends to be a parent of the child  
22 intended they both would be a parent of the child.

23           Failure to consent as required by paragraph (1) or (2) of  
24 subsection (b) does not preclude a court from finding consent  
25 to parent if the individual for the first 2 years of the  
26 child's life, including any period of temporary absence,

1 resided in the same household with the child and openly held  
2 out the child as the individual's child ~~If a person makes an~~  
3 ~~anonymous gamete donation without a designated intended parent~~  
4 ~~at the time of the gamete donation, the intended parent is the~~  
5 ~~parent of any resulting child if the anonymous donor~~  
6 ~~relinquished his or her parental rights in writing at the time~~  
7 ~~of donation. The written relinquishment shall be directed to~~  
8 ~~the entity to which the donor donated his or her gametes.~~

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

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

1 A judgment issued before the birth of the resulting child  
2 takes effect on the birth of the resulting child. The State,  
3 the Department, and the hospital where the child is or is  
4 expected to be born are not necessary parties to an action  
5 under this Section. ~~If the requirements of subsection (a) of~~  
6 ~~this Section are not met, or subsection (b) of this Section is~~  
7 ~~found by a court to be inapplicable, a court of competent~~  
8 ~~jurisdiction shall determine parentage based on evidence of~~  
9 ~~the parties' intent at the time of donation.~~

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

11 (750 ILCS 46/704)

12 Sec. 704. Withdrawal of consent of intended parent ~~or~~  
13 ~~donor.~~

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

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

1 ~~combination of gametes, the intended parent is not the parent~~  
2 ~~of any resulting child.~~

3 ~~If the intended parent or parents no longer wish to use any~~  
4 ~~remaining cryopreserved fertilized ovum for medical purposes,~~  
5 ~~the terms of the most recent informed consent of the intended~~  
6 ~~parent or parents executed at the fertility center or a~~  
7 ~~marital settlement agreement under a judgment of dissolution~~  
8 ~~of marriage, judgment of legal separation, or judgment of~~  
9 ~~dissolution of civil union governs the disposition of the~~  
10 ~~fertilized ovum.~~

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

12 (750 ILCS 46/704.5 new)

13 Sec. 704.5. Disposition.

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

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

1 cryopreserved fertilized ovum.

2 (750 ILCS 46/705)

3 Sec. 705. Parental status of deceased individual.

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

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

1 ~~of the individual's gametes or embryo transfer, the deceased~~  
2 ~~individual is a parent of any resulting child born within 36~~  
3 ~~months of the death of the deceased individual.~~

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

5 (750 ILCS 46/707)

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

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

14 (750 ILCS 46/708)

15 Sec. 708. Limitation on proceedings to declare the  
16 non-existence of the parent-child relationship. An individual  
17 who, at the time of a child's birth, is the spouse of the birth  
18 parent cannot bring an action to declare the non-existence of  
19 the parent-child relationship under this Article shall be  
20 barred if brought more than 2 years following the birth of the  
21 child.

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

23 (750 ILCS 46/709)

1           Sec. 709. Establishment of parentage; requirements of  
2 Gestational Surrogacy Act.

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

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

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

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

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

1 ~~spouse, if any, provided gametes for the child being~~  
2 ~~carried by the gestational surrogate~~ and the intended  
3 parents meet the eligibility requirements as set forth in  
4 the Gestational Surrogacy Act.

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

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

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 Section 10. The Gestational Surrogacy Act is amended by  
8 changing Sections 5, 10, 15, 20, 25, 30, and 35 and by adding  
9 Sections 26, 27, 36, and 37 as follows:

10 (750 ILCS 47/5)

11 Sec. 5. Purpose. The purpose of this Act is to establish  
12 consistent standards and procedural safeguards for the  
13 protection of all parties involved in a gestational surrogacy  
14 agreement ~~contract~~ in this State and to confirm the legal  
15 status of children born as a result of these contracts. These  
16 standards and safeguards are meant to facilitate the use of  
17 this type of reproductive contract in accord with the public  
18 policy of this State.

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

20 (750 ILCS 47/10)

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

22 "Compensation" means payment of any valuable consideration  
23 for services in excess of reasonable medical and ancillary

1 costs.

2 "Donor" means a person who provides gametes intended for  
3 use in assisted reproduction, whether or not for compensation.

4 "Donor" does not include a person who is a parent under Article  
5 7 or an intended parent under the Gestational Surrogacy Act ~~an~~  
6 ~~individual who contributes a gamete or gametes for the purpose~~  
7 ~~of in vitro fertilization or implantation in another.~~

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

9 "Gestational surrogacy" means the process by which a  
10 person ~~woman~~ attempts to become pregnant ~~carry~~ and give birth  
11 to a child conceived ~~created~~ through in vitro fertilization  
12 ~~using the gamete or gametes of at least one of the intended~~  
13 ~~parents~~ and to which the gestational surrogate has made no  
14 genetic contribution.

15 "Gestational surrogate" means a person ~~woman~~ who agrees to  
16 engage in a gestational surrogacy.

17 "Gestational surrogacy agreement ~~contract~~" means a written  
18 agreement regarding gestational surrogacy.

19 "Health care provider" means a person who is duly licensed  
20 to provide health care, including all medical, psychological,  
21 or counseling professionals.

22 "Intended parent" means a person ~~person or persons~~ who  
23 consents to assisted reproduction, including ~~enters into~~ a  
24 gestational surrogacy agreement, such that the person is a  
25 legal ~~contract with a gestational surrogate pursuant to which~~  
26 ~~he or she will be the legal~~ parent of the resulting child.

1 ~~"Intended In the case of a married couple, any reference to an~~  
2 ~~intended parent"~~ includes, in the case of a married couple,  
3 ~~shall include both spouses husband and wife~~ for all purposes  
4 of this Act. ~~This term shall include the intended mother,~~  
5 ~~intended father, or both.~~

6 "In vitro fertilization" means all medical and laboratory  
7 procedures that are necessary to effectuate the extracorporeal  
8 fertilization of egg and sperm.

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

11 "Mental health evaluation" means an evaluation and  
12 consultation of a mental health professional meeting the  
13 requirements of Section 60.

14 "Physician" means a person licensed to practice medicine  
15 in all its branches in the state in which they practice  
16 ~~Illinois.~~

17 "Pre-embryo" means a fertilized egg prior to 14 days of  
18 development.

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

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

23 (750 ILCS 47/15)

24 Sec. 15. Rights of Parentage.

25 (a) Except as provided in this Act, the person ~~woman~~ who

1 gives birth to a child is a parent ~~presumed to be the mother~~ of  
2 that child for purposes of State law.

3 (b) In the case of a gestational surrogacy agreement that  
4 substantially complies with ~~satisfying~~ the requirements set  
5 forth in Sections 20 and 25 of this Act ~~subsection (d) of this~~  
6 ~~Section:~~

7 (1) the intended parent or parents ~~mother~~ shall be  
8 considered the parent or parents ~~mother~~ of the child for  
9 all purposes ~~of State law~~ immediately upon the birth of  
10 the child;

11 ~~(2) the intended father shall be the father of the~~  
12 ~~child for purposes of State law immediately upon the birth~~  
13 ~~of the child;~~

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

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

19 ~~(5) sole custody of the child shall rest with the~~  
20 ~~intended parent or parents immediately upon the birth of~~  
21 ~~the child; and~~

22 (2) ~~(6)~~ neither the gestational surrogate nor the  
23 surrogate's spouse ~~her husband~~, if any, shall be  
24 considered the parents of the child for purposes of State  
25 law immediately upon the birth of the child.

26 (c) In the case of a gestational surrogacy agreement

1 meeting the requirements set forth in subsection (d) of this  
2 Section, in the event of a laboratory error in which the  
3 resulting child is not genetically related to either of the  
4 intended parents or a donor who donated to the intended parent  
5 or parents, the intended parents will be the parents of the  
6 child for all purposes ~~of State law~~ unless otherwise  
7 determined by a court of competent jurisdiction.

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

11 ~~(1) the gestational surrogate satisfies the~~  
12 ~~eligibility requirements set forth in subsection (a) of~~  
13 ~~Section 20;~~

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

17 ~~(3) the gestational surrogacy occurs pursuant to a~~  
18 ~~gestational surrogacy contract meeting the requirements~~  
19 ~~set forth in Section 25.~~

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

21 (750 ILCS 47/20)

22 Sec. 20. Eligibility.

23 (a) A gestational surrogate shall be deemed to have  
24 satisfied the eligibility requirements of this Act if, ~~she has~~  
25 ~~met the following requirements~~ at the time the gestational

1 surrogacy agreement ~~contract~~ is executed, the gestational  
2 surrogate:

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

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

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

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

7 (5) ~~she~~ has had and will have ongoing legal  
8 representation by independent counsel, licensed in  
9 Illinois and chosen by the surrogate, throughout the  
10 course of the gestational surrogacy arrangement regarding  
11 the terms ~~undergone legal consultation with independent~~  
12 ~~legal counsel regarding the terms of the gestational~~  
13 ~~surrogacy contract and the potential legal consequences of~~  
14 the gestational surrogacy agreement and the potential  
15 consequences of the gestational surrogacy; and

16 (6) ~~she~~ has obtained a health insurance policy that  
17 covers major medical treatments and hospitalization and  
18 the health insurance policy has a term that extends  
19 throughout the duration of the expected pregnancy and for  
20 8 weeks after the birth of the child; provided, however,  
21 that the policy may be procured by the intended parents on  
22 behalf of the gestational surrogate pursuant to the  
23 gestational surrogacy agreement ~~contract~~.

24 (b) The intended parent or parents shall be deemed to have  
25 satisfied the eligibility requirements of this Act if, ~~he,~~  
26 ~~she, or they have met the following requirements at the time~~

1 the gestational surrogacy agreement ~~contract~~ is executed, the  
2 intended parent or parents:

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

7 (2) are experiencing infertility as defined in Section  
8 356mc of the Illinois Insurance Code ~~he, she, or they have~~  
9 ~~a medical need for the gestational surrogacy as evidenced~~  
10 ~~by a qualified physician's affidavit attached to the~~  
11 ~~gestational surrogacy contract and as required by the~~  
12 ~~Illinois Parentage Act of 2015;~~

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

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

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

23 (750 ILCS 47/25)

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

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

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

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

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

9 (1) it shall be in writing;

10 (2) it shall be executed prior to the commencement of  
11 any medical procedures (other than medical or mental  
12 health evaluations necessary to determine eligibility of  
13 the parties pursuant to Section 20 of this Act) in  
14 furtherance of the gestational surrogacy:

15 (i) by a gestational surrogate meeting the  
16 eligibility requirements of subsection (a) of Section  
17 20 of this Act and, if married, the gestational  
18 surrogate's spouse ~~husband~~; and

19 (ii) by the intended parent or parents meeting the  
20 eligibility requirements of subsection (b) of Section  
21 20 of this Act. In the event an intended parent is  
22 married, both the intended parent and spouse ~~husband~~  
23 ~~and wife~~ must execute the gestational surrogacy  
24 agreement ~~contract~~;

25 (3) each of the gestational surrogate and the intended  
26 parent or parents shall have been represented by

1 independent legal counsel licensed in Illinois regarding  
2 the terms of the gestational surrogacy agreement and the  
3 potential legal consequences of the gestational surrogacy  
4 ~~separate counsel in all matters concerning the gestational~~  
5 ~~surrogacy and the gestational surrogacy contract;~~

6 (3.5) it shall indicate ~~each of the gestational~~  
7 ~~surrogate and the intended parent or parents shall have~~  
8 ~~signed a written acknowledgement that~~ each party has ~~he or~~  
9 ~~she~~ received information about the legal, financial, and  
10 contractual rights, expectations, penalties, and  
11 obligations of the surrogacy agreement;

12 (4) it shall require the intended parent or parents to  
13 pay for independent legal representation for the  
14 surrogate;

15 (5) if the gestational surrogacy agreement ~~contract~~  
16 provides for the payment of compensation to the  
17 gestational surrogate, the compensation shall have been  
18 placed in escrow with an ~~independent~~ escrow agent that is  
19 independent of and is not affiliated with either the  
20 intended parents' attorney or the gestational surrogate's  
21 attorney prior to the gestational surrogate's commencement  
22 of any medical procedure (other than medical or mental  
23 health evaluations necessary to determine the gestational  
24 surrogate's eligibility pursuant to subsection (a) of  
25 Section 20 of this Act); and

26 (6) ~~(5)~~ it shall be witnessed by 2 competent adults or

1 shall be notarized consistent with Illinois law.

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

4 (c) A gestational surrogacy agreement ~~contract~~ shall  
5 provide for:

6 (1) the express written agreement of the gestational  
7 surrogate to:

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

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

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

16 (i) undertake the obligations imposed on the  
17 gestational surrogate pursuant to the terms of the  
18 gestational surrogacy agreement ~~contract~~;

19 (ii) surrender custody of the child to the  
20 intended parent or parents immediately upon the birth  
21 of the child;

22 (3) the right of the gestational surrogate to utilize  
23 the services of a physician of the gestational surrogate's  
24 ~~her~~ choosing, ~~after consultation with the intended~~  
25 ~~parents,~~ to provide the gestational surrogate with her  
26 care during the pregnancy; ~~and~~

1 (4) the express written agreement of the intended  
2 parent or parents to:

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

5 (ii) assume sole responsibility for the support of  
6 the child immediately upon the child's ~~his or her~~  
7 birth;

8 (iii) make all health and welfare decisions regarding  
9 the surrogate and the pregnancy, except that this Act does  
10 not enlarge or diminish the surrogate's right to terminate  
11 their pregnancy, and any written or oral agreement  
12 purporting to waive or limit these rights shall be void as  
13 against public policy;

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

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

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

22 ~~(1) the gestational surrogate's agreement to undergo~~  
23 ~~all medical exams, treatments, and fetal monitoring~~  
24 ~~procedures that the physician recommended for the success~~  
25 ~~of the pregnancy;~~

26 ~~(2) the gestational surrogate's agreement to abstain~~

1 ~~from any activities that the intended parent or parents or~~  
2 ~~the physician reasonably believes to be harmful to the~~  
3 ~~pregnancy and future health of the child, including,~~  
4 ~~without limitation, smoking, drinking alcohol, using~~  
5 ~~nonprescribed drugs, using prescription drugs not~~  
6 ~~authorized by a physician aware of the gestational~~  
7 ~~surrogate's pregnancy, exposure to radiation, or any other~~  
8 ~~activities proscribed by a health care provider;~~

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

11 ~~(4) the agreement of the intended parent or parents to~~  
12 ~~pay for or reimburse the gestational surrogate for~~  
13 ~~reasonable expenses (including, without limitation,~~  
14 ~~medical, legal, or other professional expenses) related to~~  
15 ~~the gestational surrogacy and the gestational surrogacy~~  
16 ~~contract.~~

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

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

22 (750 ILCS 47/26 new)

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

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

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

7           (2) The dissolution, annulment, or declaration of  
8           invalidity of the surrogate's marriage, the legal  
9           separation of the surrogate, or a judgment of separate  
10           maintenance concerning the surrogate after the surrogacy  
11           contract is signed by all parties does not affect the  
12           validity of the agreement.

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

15                   (A) The marriage of an intended parent after the  
16                   surrogacy agreement is signed by all parties does not  
17                   affect the validity of a surrogacy agreement, the  
18                   consent of the spouse is not required, and the spouse  
19                   is not, based on the agreement, a parent of a child  
20                   conceived by assisted reproduction under the  
21                   agreement.

22                   (B) The dissolution, annulment, or declaration of  
23                   invalidity of an intended parent's marriage, the legal  
24                   separation of an intended parent, or a judgment of  
25                   separate maintenance concerning an intended parent  
26                   after the agreement is signed by all parties does not

1           affect the validity of the agreement and, except as  
2           otherwise provided in Section 36, the intended parent  
3           is a parent of the child.

4           (750 ILCS 47/27 new)

5           Sec. 27. Termination.

6           (a) A party to a gestational surrogacy agreement may  
7           terminate the agreement at any time before an embryo transfer  
8           by giving notice of termination in a record to all other  
9           parties. If an embryo transfer does not result in a pregnancy,  
10           a party may terminate the agreement at any time before a  
11           subsequent embryo transfer.

12           (b) Unless a gestational surrogacy agreement provides  
13           otherwise, on termination of the agreement under subsection  
14           (a), the parties are released from the agreement, except that  
15           each intended parent remains responsible for expenses that are  
16           contemplated under the agreement and incurred by the  
17           gestational surrogate through the date of termination of the  
18           surrogacy agreement or as otherwise agreed to in the  
19           gestational surrogacy agreement.

20           (c) Unless there is fraud, a party is not liable to any  
21           other party for a penalty or liquidated damages for  
22           terminating a gestational surrogacy agreement under this  
23           Section.

24           (750 ILCS 47/30)

1           Sec. 30. Duty to support.

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

5           (b) The breach of the gestational surrogacy agreement  
6 ~~contract~~ by the intended parent or parents shall not relieve  
7 such intended parent or parents of the support obligations  
8 imposed by this Act.

9           (c) ~~A gamete donor may be liable for child support only if~~  
10 ~~he or she fails to enter into a legal agreement with the~~  
11 ~~intended parent or parents in which the intended parent or~~  
12 ~~parents agree to assume all rights and responsibilities for~~  
13 ~~any resulting child, and the gamete donor relinquishes his or~~  
14 ~~her rights to any gametes, resulting embryos, or children.~~

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

16           (750 ILCS 47/35)

17           Sec. 35. Establishment of parentage ~~the parent child~~  
18 ~~relationship.~~

19           (a) In the event of gestational surrogacy, in addition to  
20 the requirements of the Articles 2 and 3 of the Illinois  
21 Parentage Act of 2015, a parent-child relationship is  
22 established by operation of law, upon birth of the child,  
23 between a person and a child if all of the following conditions  
24 are met:

25           (1) The intended parent each certify compliance with

1 the eligibility requirements of Section 20.

2 (2) The gestational surrogate certifies compliance  
3 with the eligibility requirements of Section 20 and did  
4 not provide a gamete for the child, and that the  
5 gestational surrogate is carrying the resulting child for  
6 the intended parents.

7 (3) A physician licensed in the state in which the  
8 pre-embryo was transferred to the gestational surrogate  
9 certifies that the pre-embryo that was transferred to the  
10 gestational surrogate was not formed with the gamete of  
11 the gestational surrogate.

12 (4) The attorneys for the intended parent or parents  
13 and the gestational surrogate and spouse, if any, each  
14 certify that the parties substantially satisfied the  
15 requirements of Section 25 of this Act ~~For purposes of the~~  
16 ~~Illinois Parentage Act of 2015, a parent child~~  
17 ~~relationship shall be established prior to the birth of a~~  
18 ~~child born through gestational surrogacy if, in addition~~  
19 ~~to satisfying the requirements of Articles 2 and 3 of the~~  
20 ~~Illinois Parentage Act of 2015, the attorneys representing~~  
21 ~~both the gestational surrogate and the intended parent or~~  
22 ~~parents certify that the parties entered into a~~  
23 ~~gestational surrogacy contract intended to satisfy the~~  
24 ~~requirements of Section 25 of this Act with respect to the~~  
25 ~~child.~~

26 (b) All certifications under this Section shall be in

1 writing and witnessed by 2 competent adults who are not the  
2 gestational surrogate, gestational surrogate's spouse, if any,  
3 or an intended parent. Certifications shall be on forms  
4 prescribed by the Illinois Department of Public Health and  
5 shall be executed before the birth of the child. All  
6 certifications shall be provided, before the birth of the  
7 child, to both the hospital where the gestational surrogate  
8 anticipates the delivery will occur and to the Illinois  
9 Department of Public Health ~~The attorneys' certifications~~  
10 ~~required by subsection (a) of this Section shall be filed on~~  
11 ~~forms prescribed by the Illinois Department of Public Health~~  
12 ~~and in a manner consistent with the requirement of the~~  
13 ~~Illinois Parentage Act of 2015.~~

14 (c) Parentage established in accordance with this Section  
15 has the full force and effect of a judgment entered under this  
16 Act.

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

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

20 (750 ILCS 47/36 new)

21 Sec. 36. Establishment of parentage with a substantially  
22 compliant agreement.

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

25 (b) (1) Before, on, or after the birth of a child conceived

1 by assisted reproduction under a gestational surrogacy  
2 agreement substantially compliant with this Act, a party to  
3 the agreement may commence an action in the circuit court for  
4 entry of a parentage judgment. The requested parentage  
5 judgment may be issued before or after the child's birth as  
6 requested by the parties. Either the gestational surrogate or  
7 the intended parent may bring the action. If the action is  
8 brought prior to all certifications required by Section 35  
9 being filed, all parties must receive notice of such action.

10 (2) A petition shall include: (A) a copy of the executed  
11 gestational surrogacy agreement; (B) the certification of the  
12 assisted reproduction physician under Section 35; and (C)  
13 certifications from the attorneys representing the intended  
14 parent or parents and the gestational surrogate and spouse (if  
15 any) under Section 35. A petition supported by such  
16 certifications shall be sufficient to establish parentage and  
17 a hearing shall not be required unless the court requires  
18 additional information which cannot reasonably be ascertained  
19 without a hearing.

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

24 (4) The court shall issue a judgment:

25 (A) declaring that each intended parent is a parent of  
26 the child and ordering that parental rights and duties

1 vest immediately upon the birth of the child exclusively  
2 in each intended parent;

3 (B) declaring that the gestational surrogate and the  
4 surrogate's spouse or former spouse, if any, are not the  
5 parents of the child;

6 (C) if necessary, ordering that the hospital where the  
7 child will be or has been born, treat the intended parent  
8 or parents as the sole legal parent or parents for all  
9 purposes;

10 (D) designating the content of the birth record and  
11 directing the Department of Public Health to designate  
12 each intended parent as a parent of the child, if such  
13 record has not yet been established or needs to be  
14 amended;

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

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

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

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

23 (7) Parentage judgments issued under this Section shall  
24 conclusively establish the parent-child relationship for all  
25 purposes.

1 (750 ILCS 47/37 new)

2 Sec. 37. Parentage and substantial noncompliance.

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

5 (1) The court shall determine the rights and duties of  
6 the parties to the agreement consistent with the intent of  
7 the parties at the time of execution, taking into account  
8 the best interests of the child.

9 (2) Each party to the surrogacy agreement and any  
10 individual who at the time of the execution of the  
11 agreement was a spouse of a party to the agreement has  
12 standing to maintain an action to adjudicate an issue  
13 related to the enforcement of the agreement. Any party to  
14 the agreement not joining in the action shall be provided  
15 with notice of the proceeding.

16 Section 20. The Gestational Surrogacy Act is amended by  
17 changing Sections 55, 60, 70, and 75 as follows:

18 (750 ILCS 47/55)

19 Sec. 55. Damages.

20 (a) Except as expressly provided in the gestational  
21 surrogacy agreement or in subsection (b), if the agreement is  
22 breached by the gestational surrogate or one or more intended  
23 parents, the nonbreaching party is entitled to the remedies  
24 available at law or in equity ~~contract, the intended parent or~~

1 ~~parents shall be entitled to all remedies available at law or~~  
2 ~~equity.~~

3       **(b) The breach of the gestational surrogacy agreement by**  
4 **one or more intended parents does not relieve the intended**  
5 **parent of the support obligations imposed by the parent and**  
6 **child relationship under this Act** ~~Except as expressly provided~~  
7 ~~in the gestational surrogacy contract, the gestational~~  
8 ~~surrogate shall be entitled to all remedies available at law~~  
9 ~~or equity.~~

10       **(c) Specific performance is not a remedy available for**  
11 **breach by a gestational surrogate of provision in the**  
12 **agreement that the gestational surrogate be impregnated,**  
13 **terminate a pregnancy, or submit to medical procedures.**

14       **(d) Except as otherwise provided in subsection (c), if an**  
15 **intended parent is determined to be a parent of the child,**  
16 **specific performance is a remedy available for either of the**  
17 **following:**

18           **(1) Breach of the gestational surrogacy agreement by a**  
19 **gestational surrogate that prevents an intended parent**  
20 **from exercising the full rights of parentage immediately**  
21 **upon birth of the child.**

22           **(2) Breach of the gestational surrogacy agreement by**  
23 **an intended parent that prevents the intended parent's**  
24 **acceptance of the duties of parentage immediately upon**  
25 **birth of the child.**

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

1 (750 ILCS 47/60)

2 Sec. 60. Rulemaking. The Department of Public Health may  
3 adopt rules pertaining to the required medical and mental  
4 health evaluations for a gestational surrogacy agreement  
5 ~~contract~~. Until the Department of Public Health adopts such  
6 rules, medical and mental health evaluations and procedures  
7 shall be conducted in accordance with the recommended  
8 guidelines published by the American Society for Reproductive  
9 Medicine and the American College of Obstetricians and  
10 Gynecologists. The rules may adopt these guidelines or others  
11 by reference.

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

13 (750 ILCS 47/70)

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

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

22 (750 ILCS 47/75)

23 Sec. 75. Application. The provisions of this Act shall

1 apply only to gestational surrogacy agreements ~~contracts~~  
2 entered into after the effective date of this Act.

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

4 Section 25. The Adoption Act is amended by adding Section  
5 25 as follows:

6 (750 ILCS 50/25 new)

7 Sec. 25. Confirmatory adoption for children born through  
8 assisted reproduction.

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

12 "Assisted reproduction" means the definition provided in  
13 the Illinois Parentage Act of 2015.

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

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

20 (b) Whenever a child is born as a result of assisted  
21 reproduction and the person who did not give birth is a parent  
22 under the Illinois Parentage Act of 2015 and seeks to file a  
23 petition to confirm parentage through an adoption of the  
24 child, the court shall permit the parent to file a petition for

1 adoption in accordance with this Section.

2 (c) A complete petition shall be comprised of the  
3 following:

4 (1) the petition for adoption signed by each  
5 petitioner;

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

8 (3) a declaration by the person giving birth and the  
9 person who did not give birth explaining the circumstances  
10 of the child's birth through assisted reproduction,  
11 attesting to their consent to assisted reproduction, and  
12 attesting that no competing claims of parentage exist; and

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

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

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

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

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

2           (2) an investigation or home study by, notice to, or  
3 approval of the Department of Children and Family  
4 Services;

5           (3) appointment of a guardian ad litem;

6           (4) a criminal background check; or

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

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

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

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

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

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

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

1       (j) For purposes of a confirmatory adoption, jurisdiction  
2       and venue shall be governed by Section 603 of the Illinois  
3       Parentage Act of 2015.

4       (k) The confidentiality provisions in Section 18 apply to  
5       this Section.

6       Section 99. Effective date. This Act takes effect upon  
7       becoming law.

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- 2 750 ILCS 46/604
- 3 750 ILCS 46/605
- 4 750 ILCS 46/606
- 5 750 ILCS 46/608
- 6 750 ILCS 46/609
- 7 750 ILCS 46/610
- 8 750 ILCS 46/612
- 9 750 ILCS 46/614
- 10 750 ILCS 46/615
- 11 750 ILCS 46/617
- 12 750 ILCS 46/621
- 13 750 ILCS 46/622
- 14 750 ILCS 46/702
- 15 750 ILCS 46/703
- 16 750 ILCS 46/704
- 17 750 ILCS 46/704.5 new
- 18 750 ILCS 46/705
- 19 750 ILCS 46/707
- 20 750 ILCS 46/708
- 21 750 ILCS 46/709
- 22 750 ILCS 46/710
- 23 750 ILCS 47/5
- 24 750 ILCS 47/10
- 25 750 ILCS 47/15
- 26 750 ILCS 47/20

- 1 750 ILCS 47/25
- 2 750 ILCS 47/26 new
- 3 750 ILCS 47/27 new
- 4 750 ILCS 47/30
- 5 750 ILCS 47/35
- 6 750 ILCS 47/36 new
- 7 750 ILCS 47/37 new
- 8 750 ILCS 47/55
- 9 750 ILCS 47/60
- 10 750 ILCS 47/70
- 11 750 ILCS 47/75
- 12 750 ILCS 50/25 new