

AN ACT concerning civil law.

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

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

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

(750 ILCS 46/102)

Sec. 102. Public policy. Illinois recognizes the right of every child to the physical, mental, emotional, and financial support of a parent or his or her parents. The parent-child relationship, including support obligations, extends equally to every child and to the child's his or her parent or to each of the child's his or her 2 parents, regardless of the legal relationship of the parents, and regardless of whether a parent is a minor. A child shall have 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.

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

(750 ILCS 46/103)

Sec. 103. Definitions. In this Act:

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

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

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

(1) a presumed parent or acknowledged parent father;

or

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

(3) a donor.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) establishment or modification of child support;
(3) determination of parentage; or
(4) location of child-support obligors and their income and assets.

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

(750 ILCS 46/105)

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

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

(750 ILCS 46/107)

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

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

(750 ILCS 46/201)

Sec. 201. Establishment of parent-child relationship.

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

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

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

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

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

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

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

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

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

- ~~(1) an unrebutted presumption of the man's parentage of the child under Section 204 of this Act;~~
- ~~(2) an effective voluntary acknowledgment of paternity by the man under Article 3 of this Act, unless the acknowledgment has been rescinded or successfully challenged;~~
- ~~(3) an adjudication of the man's parentage;~~
- ~~(4) adoption of the child by the man; or~~
- ~~(5) a valid gestational surrogacy arrangement that complies with the Gestational Surrogacy Act or other law.~~

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

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

(750 ILCS 46/204)

Sec. 204. Presumption of parentage.

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

- ~~(1) the person and the woman or person who gave birth to mother of the child have entered into a marriage, civil union, or substantially similar legal relationship, and the child is born, to the woman or person who gave birth to the child, mother during the marriage, civil union, or~~

substantially similar legal relationship, except as provided in the Gestational Surrogacy Act or other law;

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

(3) before the birth of the child, the person and the woman or person who gave birth to ~~mother of~~ the child entered into a marriage, civil union, or substantially similar legal relationship in apparent compliance with law, even if the attempted marriage, civil union, or substantially similar legal relationship is or could be declared invalid, and the child is born during the invalid marriage, civil union, or substantially similar legal relationship or within 300 days after its termination by death, declaration of invalidity of marriage, judgment for dissolution of marriage, civil union, or substantially similar legal relationship, or after a judgment for legal separation, except as provided in the Gestational

Surrogacy Act or other law; or

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

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

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

(750 ILCS 46/205)

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

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

child mother, or a presumed parent shall be brought by verified complaint, which shall be designated a petition. After a presumption under Section 204 of this Act has been rebutted, parentage of the child by another person man or woman may be established in the same action, if such person he or she has been made a party.

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

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

testing that is admissible under Section 614 of this Act, the petitioner is determined not to be the parent ~~father~~ of the child, the adjudication of parentage ~~paternity~~ and any orders regarding the allocation of parental responsibilities, parenting time, and future payments of support may be vacated. This provision shall not apply to actions involving parentage of children born through assisted reproduction.

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

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

(750 ILCS 46/301)

Sec. 301. Voluntary acknowledgment. A parent-child relationship may be established voluntarily by the signing and witnessing of a voluntary acknowledgment in accordance with Section 12 of the Vital Records Act and Section 10-17.7 of the Illinois Public Aid Code. A woman or person who gave birth to a

child and an alleged genetic parent of the child, a presumed parent under Section 204, or an intended parent under Article 7, may sign an acknowledgment of parentage to establish the parentage of the child. The voluntary acknowledgment shall contain the social security numbers or tax identification numbers of the persons signing the voluntary acknowledgment; however, failure to include the social security numbers of the persons signing a voluntary acknowledgment does not invalidate the voluntary acknowledgment.

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

(750 ILCS 46/302)

Sec. 302. Execution of voluntary acknowledgment.

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

(1) be in a record;

(2) be signed, or otherwise authenticated, under penalty of perjury by the woman or person who gave birth to the child ~~mother~~ and by the person ~~man~~ seeking to establish ~~his~~ parentage;

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

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

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

(4) be witnessed; and

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

(b) An acknowledgment is void if it:

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

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

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

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

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

(750 ILCS 46/303)

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

(a) a voluntary acknowledgment described in Section

301 of this Act signed, or otherwise authenticated, by a person man is filed pursuant to Section 305 of this Act;

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

(c) the presumed parent has not previously:

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

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

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

(750 ILCS 46/305)

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

(a) Except as otherwise provided in Sections 307 and 308 of this Act, a valid voluntary acknowledgment filed with the Department of Healthcare and Family Services, as provided by law, is equivalent to an adjudication of the parentage of a child and confers upon the acknowledged parent ~~father~~ all of the rights and duties of a parent.

(b) Notwithstanding any other provision of this Act, parentage established in accordance with Section 301 of this Act has the full force and effect of a judgment entered under this Act and serves as a basis for seeking a child support

order without any further proceedings to establish parentage.

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

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

(750 ILCS 46/401)

Sec. 401. Proceeding authorized.

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

(b) A court, or an administrative hearing officer in an Expedited Child Support System, upon the request of any party, or the child, shall, subject to subsection (c), order or direct a woman or person who gave birth to the child, the child, and a presumed, acknowledged, alleged, or adjudicated parent to submit to deoxyribonucleic acid (DNA) testing to determine inherited characteristics unless the court

determines that (1) the conduct of the parent, acknowledged parent, adjudicated parent, or the presumed parent estops that party from denying parentage; (2) it would be inequitable to disprove the parent-child relationship between the child and the presumed, acknowledged, or adjudicated parent, and (3) that it is in the child's best interest to deny DNA testing considering the factors in Section 610(a)(3). It is presumed to be equitable and in the best interest of the child to grant a motion by the child seeking an order for genetic testing. The presumption may be overcome by clear and convincing evidence that extraordinary circumstances exist making the genetic testing contrary to the child's best interests. The court's order denying a child's request for genetic testing must state the basis upon which the presumption was overcome. The court's order granting a child's request for genetic testing must specify the ways in which testing results may be used for purposes of protecting the child's best interests. In a proceeding involving the application of this Section, a minor or incapacitated child must be represented by a guardian ad litem, child's representative, or attorney for the child.

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

~~As soon as practicable, a court or an administrative hearing officer in an Expedited Child Support System may, and upon the~~

~~request of a party except as provided in Section 610 of this Act, or of the child, shall order or direct the mother, child, and alleged father to submit to deoxyribonucleic acid (DNA) testing to determine inherited characteristics. If any party refuses to submit to genetic testing, the court may resolve the question of paternity against that party or enforce its order if the rights of others and the interests of justice so require.~~

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

(750 ILCS 46/402)

Sec. 402. Requirements for genetic testing.

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

the expert qualified at trial.

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

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

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

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

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

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

(B) engage another testing laboratory to perform

the calculations.

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

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

(750 ILCS 46/403)

Sec. 403. Genetic test results.

(a) The expert shall prepare a written report of the genetic test results. If the genetic test results show that the alleged genetic parent father is not excluded, the report shall contain statistics based upon the statistical formula of combined parentage paternity index (CPI) and the probability of parentage paternity as determined by the probability of exclusion (Random Person Man Not Excluded = RPNE RMNE). The expert may be called by the court as a witness to testify to the expert's his or her findings and, if called, shall be subject to cross-examination by the parties. If the genetic test results show that the alleged genetic parent father is not excluded, any party may demand that other experts, qualified as examiners of blood or tissue types, perform independent genetic testing under order of court, including, but not limited to, blood types or other testing of genetic markers. The results of the genetic testing may be offered

into evidence. The number and qualifications of the experts shall be determined by the court.

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

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

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

(750 ILCS 46/404)

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

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

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

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

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

- (1) excludes the person ~~man~~ as a genetic parent ~~father~~ of the child; or
- (2) identifies another person ~~man~~ as the possible

parent ~~father~~ of the child.

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

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

(750 ILCS 46/405)

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

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

(750 ILCS 46/407)

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

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

(750 ILCS 46/408)

Sec. 408. Additional persons to be tested.

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

- (1) the parents of the person ~~man~~;
- (2) brothers and sisters of the person ~~man~~;

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

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

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

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

(750 ILCS 46/501)

Sec. 501. Temporary orders.

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

- (1) a presumed parent of the child;
- (2) petitioning to have parentage adjudicated;
- (3) identified as the parent father through genetic testing under Article 4 of this Act;
- (4) an alleged genetic parent father who has declined to submit to genetic testing;

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

(6) the woman or person who gave birth to ~~mother of~~ the child except under the Gestational Surrogacy Act; or

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

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

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

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

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

(750 ILCS 46/502)

Sec. 502. Injunctive relief.

(a) In any action brought under this Act for the initial

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

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

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

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

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

(c) Notwithstanding the provisions of subsection (a) of this Section, the court may decline to enjoin a domestic

violence victim having physical possession or an allocation order or judgment from temporarily or permanently relocating the child from this State pending an allocation of parental responsibilities or an adjudication of parenting time. In determining whether a person is a domestic violence victim, the court shall consider the following factors:

- (1) a sworn statement by the person that the person has good reason to believe that the person he or she is the victim of domestic violence or stalking;
- (2) a sworn statement that the person fears for the person's his or her safety or the safety of the person's his or her children;
- (3) evidence from police, court, or other government agency records or files;
- (4) documentation from a domestic violence program if the person is alleged to be a victim of domestic violence;
- (5) documentation from a legal, clerical, medical, or other professional from whom the person has sought assistance in dealing with the alleged domestic violence; and
- (6) any other evidence that supports the sworn statements, such as a statement from any other individual with knowledge of the circumstances that provides the basis for the claim, or physical evidence of the domestic violence.

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

(750 ILCS 46/601)

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

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

(750 ILCS 46/602)

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

- (a) the child;
- (b) the woman or person who gave birth to ~~mother~~ of the child;
- (c) a pregnant woman or person;
- (d) a person ~~man~~ presumed or alleged ~~alleging himself~~ to be the parent of the child;
- (e) a ~~woman~~ presumed or ~~alleging herself to be the parent of the child~~;
- (e) ~~(f)~~ the support-enforcement agency or other

governmental agency authorized by other law;

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

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

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

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

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

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

(750 ILCS 46/603)

Sec. 603. Subject matter and personal jurisdiction.

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

Act is applicable.

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

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

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

jurisdiction.

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

(750 ILCS 46/604)

Sec. 604. Venue.

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

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

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

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

(750 ILCS 46/605)

Sec. 605. Notice to presumed parent.

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

(1) the woman or individual who gave birth to the

child, unless a court has adjudicated that the woman or individual is not a parent;

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

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

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

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

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

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

(1) The petitioner person requesting notice shall pay to the clerk of the circuit court a mailing fee of \$1.50

and furnish to the clerk of the circuit court an original and one copy of a notice together with an affidavit setting forth the individual's ~~presumed parent's~~ last known address. The original notice shall be retained by the clerk of the circuit court.

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

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

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

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

"IN THE MATTER OF NOTICE TO INDIVIDUAL PRESUMED PARENT.

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

An action is being brought to establish the parent-child

relationship between the named child and a parent named by the person filing this action,

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

If you do not file ~~a declaration of parentage or a request for notice, then you may be later barred from asserting parentage claims whatever legal rights you have with respect to the named child, and including the right to notice of any future proceedings for the establishment of parentage of the child, may be terminated without any further notice to you.~~

~~When your legal rights with respect to the named child are terminated, you will not be entitled to notice of any future proceedings.".~~

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

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

(750 ILCS 46/606)

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

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

(750 ILCS 46/608)

Sec. 608. Limitation; child having presumed parent.

(a) An action to challenge a presumption of parentage under Section 204 of this Act must be commenced by an

individual other than the child ~~An alleged father, as that term is defined in Section 103 of this Act, must commence an action to establish a parent child relationship for a child having a presumed parent~~ not later than 2 years after the petitioner knew or should have known of the relevant facts. The time the petitioner is under legal disability or duress or the ground for relief is fraudulently concealed shall be excluded in computing the period of 2 years. The 2-year limitation does not apply to an action by the child.

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

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

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

(750 ILCS 46/609)

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

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

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

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

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

(750 ILCS 46/610)

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

(a) Consistent with Sections 205, 309, 608, 609, and 617

in cases in which there are competing claims to parentage and
in proceedings ~~In a proceeding~~ in which the parentage of a child having a presumed, acknowledged, or adjudicated parent is at issue, the court shall consider the following factors when adjudicating the individual's parentage ~~may deny a motion by a parent, presumed parent, acknowledged parent, adjudicated parent, alleged parent, or the child seeking an order for genetic testing of the parents and child if the court determines that:~~

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

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

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

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

(B) the length of time during which the presumed,

acknowledged, or adjudicated parent has assumed the role of parent of the child;

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

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

(E) the age of the child;

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

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

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

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

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

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

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

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

(750 ILCS 46/612)

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

(a) service of process;

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

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

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

(750 ILCS 46/614)

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

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

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

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

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

(1) the amount of the charges billed; and
(2) that the charges were reasonable, necessary, and

customary.

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

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

(750 ILCS 46/615)

Sec. 615. Consequences of declining genetic testing.

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

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

(c) Genetic testing of the woman or person who gave birth to the mother of a child is not a condition precedent to genetically testing the child and a person man whose parentage paternity is being determined. If the woman or person who gave birth to the child mother is unavailable or declines to submit to genetic testing, the court or administrative agency may order the genetic testing of the child and every person man whose parentage paternity is being adjudicated.

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

(750 ILCS 46/617)

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

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

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

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

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

(3) (d) Unless the results of genetic testing are

admitted to rebut other results of genetic testing, a person excluded as the parent of a child by genetic testing may be adjudicated not to be the parent of the child.

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

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

(750 ILCS 46/621)

Sec. 621. Binding effect of determination of parentage.

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

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

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

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

(1) the determination was based on an unrescinded acknowledgment as provided in Article 3 of this Act and the acknowledgment is either consistent with the results

of genetic testing or for a child born through assisted reproduction;

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

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

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

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

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

(1) expressly identifies a child as a "child of the marriage, civil union, or substantially similar legal relationship", "issue of the marriage, civil union, or

substantially similar legal relationship", or uses similar words indicating that a party to the marriage, civil union, or substantially similar legal relationship is the parent of the child; or

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

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

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

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

(750 ILCS 46/622)

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

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

(1) has been convicted of or who has pled guilty or nolo contendere to a violation of Section 11-1.20 (criminal sexual assault), Section 11-1.30 (aggravated

criminal sexual assault), Section 11-1.40 (predatory criminal sexual assault of a child), Section 11-1.50 (criminal sexual abuse), Section 11-1.60 (aggravated criminal sexual abuse), Section 11-11 (sexual relations within families), Section 12-13 (criminal sexual assault), Section 12-14 (aggravated criminal sexual assault), Section 12-14.1 (predatory criminal sexual assault of a child), Section 12-15 (criminal sexual abuse), or Section 12-16 (aggravated criminal sexual abuse) of the Criminal Code of 1961 or the Criminal Code of 2012, or a similar statute in another jurisdiction, for ~~his~~ conduct in paragraph (1) of this subsection in conceiving fathering that child; or

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

(b) A person described in subsection (a) shall not be entitled to an allocation of any parental responsibilities or parenting time with that child without the consent of the woman or person who gave birth to the child or the child's mother or guardian. If the person described in subsection (a) is also the guardian of the child, the person he does not have the authority to consent to parenting time or the allocation of parental responsibilities under this Section. If the woman or person who gave birth to mother of the child is a minor, and

the person described in subsection (a) is also the parent ~~father~~ or guardian of the woman or person who gave birth to the child ~~mother~~, then the person ~~he~~ does not have the authority to consent to the allocation of parental responsibilities or parenting time.

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

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

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

(f) A petition under this Section may be filed by the woman

or person who gave birth to the child or the child's mother or
guardian either as an affirmative petition in circuit court or
as an affirmative defense in any proceeding filed by the
person described in subsection (a) of this Section regarding
the child.

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

(750 ILCS 46/702)

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

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

(750 ILCS 46/703)

Sec. 703. Parentage of child of assisted reproduction.

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

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

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

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

Failure to consent as required by paragraph (1) or (2) of subsection (b) does not preclude a court from finding consent to parent if the individual for the first 2 years of the child's life, including any period of temporary absence, resided in the same household with the child and openly held out the child as the individual's child ~~If a person makes an anonymous gamete donation without a designated intended parent at the time of the gamete donation, the intended parent is the parent of any resulting child if the anonymous donor relinquished his or her parental rights in writing at the time of donation. The written relinquishment shall be directed to the entity to which the donor donated his or her gametes.~~

(c) An individual who is an intended parent or the woman or individual who gave birth to the child may bring a proceeding for a judgment of parentage before or after the birth of the

child. If the court finds that the individual who did not give birth consented under subsection (b) of this Section, the court shall enter a judgment of parentage declaring the individual to be the parent seek a court order confirming the existence of a parent child relationship prior to or after the birth of a child based on compliance with subsection (a) or (b) of this Section.

(d) The woman or individual who will give or who gave birth to the child or an individual who is or claims to be a parent under this Section may commence an action before or after the birth of a child to obtain a judgment to declare that the intended parent or parents are the parent or parents of the resulting child immediately on birth of the child and order that parental rights and responsibilities vest exclusively in the intended parent or parents immediately on birth of the child. A judgment issued before the birth of the resulting child takes effect on the birth of the resulting child. The State, the Department, and the hospital where the child is or is expected to be born are not necessary parties to an action under this Section. If the requirements of subsection (a) of this Section are not met, or subsection (b) of this Section is found by a court to be inapplicable, a court of competent jurisdiction shall determine parentage based on evidence of the parties' intent at the time of donation.

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

(750 ILCS 46/704)

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

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

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

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

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

(750 ILCS 46/704.5 new)

Sec. 704.5. Disposition.

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

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

(750 ILCS 46/705)

Sec. 705. Parental status of deceased individual.

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

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

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

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

(750 ILCS 46/707)

Sec. 707. Burden of proof. Unless otherwise specified in this Act, the burden of proof in an action under this Section is by a preponderance of the evidence. Parentage established under Section 703, a withdrawal of consent under Section 704, or a proceeding to declare the non existence of the

~~parent child relationship under Section 708 of this Act must be proven by clear and convincing evidence.~~

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

(750 ILCS 46/708)

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

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

(750 ILCS 46/709)

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

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

(1) The gestational surrogate certifies that the surrogate ~~she~~ did not provide a gamete for the child, and that the surrogate ~~she~~ is carrying the resulting child for

the intended parents.

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

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

(4) A physician licensed in the location state in which the fertilized ovum was inseminated or transferred to the gestational surrogate or the licensed physician treating the gestational surrogate certifies that the fetus child being carried by the gestational surrogate was not conceived with the gamete of the using the gamete or gametes of at least one of the intended parents, and that neither the gestational surrogate nor the gestational surrogate's spouse, if any, provided gametes for the child being carried by the gestational surrogate and the intended parents meet the eligibility requirements as set forth in the Gestational Surrogacy Act.

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

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

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

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

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

(750 ILCS 46/710)

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

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

(750 ILCS 46/903)

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

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

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

(750 ILCS 47/5)

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

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

(750 ILCS 47/10)

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

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

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

"Donor" does not include a person who is a parent under Article 7 of the Illinois Parentage Act of 2015 or an intended parent under this Act an individual who contributes a gamete or gametes for the purpose of in vitro fertilization or implantation in another.

"Gamete" means either a sperm or an egg.

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

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

"Gestational surrogacy agreement contract" means a written agreement regarding gestational surrogacy.

"Health care provider" means a person who is duly licensed to provide health care, including all medical, psychological,

or counseling professionals.

"Intended parent" means a person ~~person or persons~~ who consents to assisted reproduction, including enters into a gestational surrogacy agreement, such that the person is a ~~legal contract with a gestational surrogate pursuant to which~~ ~~he or she will be the legal parent of the resulting child.~~
"Intended ~~In the case of a married couple, any reference to an~~ intended parent" ~~includes, in the case of a married couple,~~ ~~shall include both spouses~~ ~~husband and wife~~ for all purposes of this Act. ~~This term shall include the intended mother,~~ ~~intended father, or both.~~

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

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

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

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

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

"Pre-embryo transfer" means all medical and laboratory procedures that are necessary to effectuate the transfer of a

pre-embryo into the uterine cavity.

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

(750 ILCS 47/15)

Sec. 15. Rights of Parentage.

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

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

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

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

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

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

(5) sole custody of the child shall rest with the intended parent or parents immediately upon the birth of

~~the child; and~~

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

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

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

~~(1) the gestational surrogate satisfies the eligibility requirements set forth in subsection (a) of section 20;~~

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

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

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

(750 ILCS 47/20)

Sec. 20. Eligibility.

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

- (1) ~~she~~ is at least 21 years of age;
- (2) ~~she~~ has given birth to at least one child;
- (3) ~~she~~ has completed a medical evaluation;
- (4) ~~she~~ has completed a mental health evaluation;
- (5) ~~she has had and will have ongoing legal representation by independent counsel, licensed in Illinois and chosen by the surrogate, throughout the course of the gestational surrogacy arrangement regarding the terms undergone legal consultation with independent legal counsel regarding the terms of the gestational surrogacy contract and the potential legal consequences of the gestational surrogacy agreement and the potential consequences of the gestational surrogacy;~~ and
- (6) ~~she~~ has obtained a health insurance policy that covers major medical treatments and hospitalization and the health insurance policy has a term that extends throughout the duration of the expected pregnancy and for 8 weeks after the birth of the child; provided, however,

that the policy may be procured by the intended parents on behalf of the gestational surrogate pursuant to the gestational surrogacy agreement contract.

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

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

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

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

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

surrogacy agreement ~~contract~~ and the potential legal consequences of the gestational surrogacy.

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

(750 ILCS 47/25)

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

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

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

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

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

(1) it shall be in writing;

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

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

(ii) by the intended parent or parents meeting the

eligibility requirements of subsection (b) of Section 20 of this Act. In the event an intended parent is married, both the intended parent and spouse ~~husband and wife~~ must execute the gestational surrogacy agreement ~~contract~~;

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

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

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

(5) if the gestational surrogacy agreement contract provides for the payment of compensation to the gestational surrogate, the compensation shall have been placed in escrow with an independent escrow agent that is independent of and is not affiliated with either the

intended parents' attorney or the gestational surrogate's attorney prior to the gestational surrogate's commencement of any medical procedure (other than medical or mental health evaluations necessary to determine the gestational surrogate's eligibility pursuant to subsection (a) of Section 20 of this Act); and

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

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

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

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

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

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

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

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

(ii) surrender custody of the child to the

intended parent or parents immediately upon the birth of the child;

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

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

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

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

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

(6) the disclosure of all intended parent's financial obligations with regard to the gestational surrogate, including compensation and expenses; and

(7) the inclusion of information about each party's right under this Act to terminate the surrogacy agreement.

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

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

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

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

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

(e) (Blank). In the event that any of the requirements of this Section are not met, a court of competent jurisdiction

~~shall determine parentage based on evidence of the parties' intent.~~

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

(750 ILCS 47/26 new)

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

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

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

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

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

(A) The marriage of an intended parent after the surrogacy agreement is signed by all parties does not affect the validity of a surrogacy agreement, the consent of the spouse is not required, and the spouse

is not, based on the agreement, a parent of a child conceived by assisted reproduction under the agreement.

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

(750 ILCS 47/27 new)

Sec. 27. Termination.

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

(b) Unless a gestational surrogacy agreement provides otherwise, on termination of the agreement under subsection (a), the parties are released from the agreement, except that each intended parent remains responsible for expenses that are contemplated under the agreement and incurred by the gestational surrogate through the date of termination of the

surrogacy agreement or as otherwise agreed to in the gestational surrogacy agreement.

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

(750 ILCS 47/30)

Sec. 30. Duty to support.

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

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

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

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

(750 ILCS 47/35)

Sec. 35. Establishment of parentage the parent child

~~relationship.~~

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

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

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

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

(4) The attorneys for the intended parent or parents and the gestational surrogate and spouse, if any, each certify that the parties substantially satisfied the requirements of Section 25 of this Act. For purposes of the Illinois Parentage Act of 2015, a parent-child relationship shall be established prior to the birth of a child born through gestational surrogacy if, in addition

~~to satisfying the requirements of Articles 2 and 3 of the Illinois Parentage Act of 2015, the attorneys representing both the gestational surrogate and the intended parent or parents certify that the parties entered into a gestational surrogacy contract intended to satisfy the requirements of Section 25 of this Act with respect to the child.~~

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

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

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

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

(750 ILCS 47/36 new)

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

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

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

(2) A petition shall include: (A) a copy of the executed gestational surrogacy agreement; (B) the certification of the assisted reproduction physician under Section 35; and (C) certifications from the attorneys representing the intended parent or parents and the gestational surrogate and spouse (if any) under Section 35. A petition supported by such certifications shall be sufficient to establish parentage and a hearing shall not be required unless the court requires additional information which cannot reasonably be ascertained

without a hearing.

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

(4) The court shall issue a judgment:

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

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

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

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

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

(F) for other relief the court determines proper.

(5) To protect the privacy of the child and the parties,

all records related to such action shall be impounded.

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

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

(750 ILCS 47/37 new)

Sec. 37. Parentage and substantial noncompliance.

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

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

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

(750 ILCS 47/39 new)

Sec. 39. Jurisdiction and venue. Any judicial proceeding

under the Gestational Surrogacy Act is subject to the jurisdiction and venue provisions set forth in Sections 603 and 604 of the Illinois Parentage Act of 2015.

(750 ILCS 47/55)

Sec. 55. Damages.

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

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

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

(d) Except as otherwise provided in subsection (c), if an intended parent is determined to be a parent of the child,

specific performance is a remedy available for either of the following:

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

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

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

(750 ILCS 47/60)

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

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

(750 ILCS 47/70)

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

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

(750 ILCS 47/75)

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

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

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

(750 ILCS 50/21.1 new)

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

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

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

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

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

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

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

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

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

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

(3) a declaration by the petitioners explaining the circumstances of the child's birth through assisted reproduction, attesting to their consent to assisted reproduction, and medical or other documentation relating

to the assisted reproduction regarding procurement of donor gamete(s) or medical procedures resulting in the pregnancy and birth of the child; and

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

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

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

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

(1) an in-person hearing or appearance;

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

(3) appointment of a guardian ad litem;

(4) a criminal background check; or

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

(h) The court shall grant the adoption under this Section

and issue a decree of adoption within 30 days or as soon as is possible after the petition has been filed if it finds:

(1) the child was born through assisted reproduction;

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

(3) there are no competing claims of parentage.

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

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

(k) For purposes of a confirmatory adoption, jurisdiction and venue is governed by Section 603 of the Illinois Parentage Act of 2015 or the Adoption Act.

(l) The confidentiality provisions in Section 18 apply to this Section.

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