

1 AN ACT concerning civil law.

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

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

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

12 (750 ILCS 46/102)

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

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

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

5 (750 ILCS 46/103)

6 Sec. 103. Definitions. In this Act:

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

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

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

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

20 ~~or~~

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

23 (3) a donor.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 (750 ILCS 46/105)

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

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

17 (750 ILCS 46/107)

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

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

1 (750 ILCS 46/201)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 (750 ILCS 46/204)

19 Sec. 204. Presumption of parentage.

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

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

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

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

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

1 Surrogacy Act or other law; or

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

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

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

18 (750 ILCS 46/205)

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

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

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

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

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

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

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

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

20 (750 ILCS 46/301)

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

1 child and an alleged genetic parent of the child, a presumed
2 parent under Section 204, or an intended parent under Article
3 7, may sign an acknowledgment of parentage to establish the
4 parentage of the child. The voluntary acknowledgment shall
5 contain the social security numbers or tax identification
6 numbers of the persons signing the voluntary acknowledgment;
7 however, failure to include the social security numbers of the
8 persons signing a voluntary acknowledgment does not invalidate
9 the voluntary acknowledgment.

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

11 (750 ILCS 46/302)

12 Sec. 302. Execution of voluntary acknowledgment.

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

15 (1) be in a record;

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

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

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

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

1 (4) be witnessed; and

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

10 (b) An acknowledgment is void if it:

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

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

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

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

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

22 (750 ILCS 46/303)

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

25 (a) a voluntary acknowledgment described in Section

1 301 of this Act signed, or otherwise authenticated, by a
2 person ~~man~~ is filed pursuant to Section 305 of this Act;

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

5 (c) the presumed parent has not previously:

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

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

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

13 (750 ILCS 46/305)

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

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

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

1 order without any further proceedings to establish parentage.

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

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

10 (750 ILCS 46/401)

11 Sec. 401. Proceeding authorized.

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

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

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

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

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

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

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

10 (750 ILCS 46/402)

11 Sec. 402. Requirements for genetic testing.

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

1 the expert qualified at trial.

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

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

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

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

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

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

26 (B) engage another testing laboratory to perform

1 the calculations.

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

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

8 (750 ILCS 46/403)

9 Sec. 403. Genetic test results.

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

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

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

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

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

1 (750 ILCS 46/404)

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

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

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

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

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

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

25 (2) identifies another person ~~man~~ as the possible

1 parent ~~father~~ of the child.

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

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

8 (750 ILCS 46/405)

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

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

2 (750 ILCS 46/407)

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

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

15 (750 ILCS 46/408)

16 Sec. 408. Additional persons to be tested.

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

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

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

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

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

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

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

13 (750 ILCS 46/501)

14 Sec. 501. Temporary orders.

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

20 (1) a presumed parent of the child;

21 (2) petitioning to have parentage adjudicated;

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

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

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

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

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

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

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

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

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

23 (750 ILCS 46/502)

24 Sec. 502. Injunctive relief.

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

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

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

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

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

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

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

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

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

10 (2) a sworn statement that the person fears for the
11 person's ~~his or her~~ safety or the safety of the person's
12 ~~his or her~~ children;

13 (3) evidence from police, court, or other government
14 agency records or files;

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

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

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

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

1 (750 ILCS 46/601)

2 Sec. 601. Proceeding authorized. A civil proceeding may be
3 maintained to adjudicate the parentage of a child. The
4 proceeding is governed by the Code of Civil Procedure and
5 Illinois Supreme Court Rules. Administrative proceedings
6 adjudicating parentage ~~paternity~~ shall be governed by Section
7 10-17.7 of the Illinois Public Aid Code.

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

9 (750 ILCS 46/602)

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

16 (a) the child;

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

19 (c) a pregnant woman or person;

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

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

24 (e) ~~(f)~~ the support-enforcement agency or other

1 governmental agency authorized by other law;

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

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

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

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

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

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

19 (750 ILCS 46/603)

20 Sec. 603. Subject matter and personal jurisdiction.

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

1 Act is applicable.

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

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

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

1 jurisdiction.

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

3 (750 ILCS 46/604)

4 Sec. 604. Venue.

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

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

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

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

18 (750 ILCS 46/605)

19 Sec. 605. Notice to presumed parent.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 "IN THE MATTER OF NOTICE TO INDIVIDUAL ~~PRESUMED~~
21 ~~PARENT~~.

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

26 An action is being brought to establish the parent-child

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

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

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

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

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

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

9 (750 ILCS 46/606)

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

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

21 (750 ILCS 46/608)

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

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

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

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

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

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

1 (750 ILCS 46/609)

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

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

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

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

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

21 (750 ILCS 46/610)

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

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

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

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

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

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

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

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

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

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

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

9 (E) the age of the child;

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

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

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

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

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

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

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

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

19 (750 ILCS 46/612)

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

25 (a) service of process;

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

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

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

6 (750 ILCS 46/614)

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

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

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

16 (2) pursuant to an order of the court under Section
17 401 ~~402~~ of this Act and conducted consistent with Section
18 402 of this Act.

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

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

25 (2) that the charges were reasonable, necessary, and

1 customary.

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

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

7 (750 ILCS 46/615)

8 Sec. 615. Consequences of declining genetic testing.

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

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

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

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

1 (750 ILCS 46/617)

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

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

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

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

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

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

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

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

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

11 (750 ILCS 46/621)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 (750 ILCS 46/622)

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

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

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

1 criminal sexual assault), Section 11-1.40 (predatory
2 criminal sexual assault of a child), Section 11-1.50
3 (criminal sexual abuse), Section 11-1.60 (aggravated
4 criminal sexual abuse), Section 11-11 (sexual relations
5 within families), Section 12-13 (criminal sexual assault),
6 Section 12-14 (aggravated criminal sexual assault),
7 Section 12-14.1 (predatory criminal sexual assault of a
8 child), Section 12-15 (criminal sexual abuse), or Section
9 12-16 (aggravated criminal sexual abuse) of the Criminal
10 Code of 1961 or the Criminal Code of 2012, or a similar
11 statute in another jurisdiction, for ~~his~~ conduct in
12 paragraph (1) of this subsection in conceiving ~~fathering~~
13 that child; or

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

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

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

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

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

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

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

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

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

7 (750 ILCS 46/702)

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

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

12 (750 ILCS 46/703)

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

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

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

3 (1) in a record signed before, on, or after the birth
4 of the child by the woman or individual who gave birth to
5 the child and by an individual who intends to be a parent
6 of the child; an acknowledgment of parentage under Section
7 301 is a record within the meaning of this subsection; or

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

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

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

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

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

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

1 (750 ILCS 46/704)

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

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

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

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

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

1 (750 ILCS 46/704.5 new)

2 Sec. 704.5. Disposition.

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

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

16 (750 ILCS 46/705)

17 Sec. 705. Parental status of deceased individual.

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

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

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

20 (750 ILCS 46/707)

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

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

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

4 (750 ILCS 46/708)

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

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

14 (750 ILCS 46/709)

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

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

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

1 the intended parents.

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

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

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

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

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

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

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

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

18 (750 ILCS 46/710)

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

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

24 (750 ILCS 46/903)

1 Sec. 903. Transitional provision. A proceeding to
2 adjudicate parentage which was commenced before the effective
3 date of this Act is governed by the law in effect at the time
4 the proceeding was commenced, except that this Act applies to
5 all pending actions and proceedings commenced before January
6 1, 2016 with respect to issues on which a judgment has not been
7 entered. A proceeding to adjudicate parentage that was
8 commenced before the effective date of this amendatory Act of
9 the 104th General Assembly is governed by the law in effect at
10 the time the proceeding was commenced.

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

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

15 (750 ILCS 47/5)

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

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

1 (750 ILCS 47/10)

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

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

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

8 "Donor" does not include a person who is a parent under Article
9 7 of the Illinois Parentage Act of 2015 or an intended parent
10 under this Act ~~an individual who contributes a gamete or~~
11 ~~gametes for the purpose of in vitro fertilization or~~
12 ~~implantation in another.~~

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

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

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

22 "Gestational surrogacy agreement ~~contract~~" means a written
23 agreement regarding gestational surrogacy.

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

1 or counseling professionals.

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

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

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

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

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

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

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

1 pre-embryo into the uterine cavity.

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

3 (750 ILCS 47/15)

4 Sec. 15. Rights of Parentage.

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

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

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

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

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

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

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

1 ~~the child; and~~

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

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

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

17 ~~(1) the gestational surrogate satisfies the~~
18 ~~eligibility requirements set forth in subsection (a) of~~
19 ~~Section 20;~~

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

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

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

1 (750 ILCS 47/20)

2 Sec. 20. Eligibility.

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

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

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

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

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

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

21 (6) ~~she~~ has obtained a health insurance policy that
22 covers major medical treatments and hospitalization and
23 the health insurance policy has a term that extends
24 throughout the duration of the expected pregnancy and for
25 8 weeks after the birth of the child; provided, however,

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

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

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

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

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

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

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

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

4 (750 ILCS 47/25)

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

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

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

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

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

15 (1) it shall be in writing;

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

21 (i) by a gestational surrogate meeting the
22 eligibility requirements of subsection (a) of Section
23 20 of this Act and, if married, the gestational
24 surrogate's spouse ~~husband~~; and

25 (ii) by the intended parent or parents meeting the

1 eligibility requirements of subsection (b) of Section
2 20 of this Act. In the event an intended parent is
3 married, both the intended parent and spouse ~~husband~~
4 ~~and wife~~ must execute the gestational surrogacy
5 agreement ~~contract~~;

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

13 (3.5) it shall indicate ~~each of the gestational~~
14 ~~surrogate and the intended parent or parents shall have~~
15 ~~signed a written acknowledgement that~~ each party has ~~he or~~
16 ~~she~~ received information about the legal, financial, and
17 contractual rights, expectations, penalties, and
18 obligations of the surrogacy agreement;

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

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

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

7 (6) ~~(5)~~ it shall be witnessed by 2 competent adults or
8 shall be notarized consistent with Illinois law.

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

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

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

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

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

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

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

26 (ii) surrender custody of the child to the

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4 (750 ILCS 47/26 new)

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

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

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

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

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

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

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

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

12 (750 ILCS 47/27 new)

13 Sec. 27. Termination.

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

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

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

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

7 (750 ILCS 47/30)

8 Sec. 30. Duty to support.

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

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

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

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

23 (750 ILCS 47/35)

24 Sec. 35. Establishment of parentage ~~the parent child~~

1 ~~relationship.~~

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

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

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

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

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

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

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

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

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

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

2 (750 ILCS 47/36 new)

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

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

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

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

1 without a hearing.

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

6 (4) The court shall issue a judgment:

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

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

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

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

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

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

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

1 all records related to such action shall be impounded.

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

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

8 (750 ILCS 47/37 new)

9 Sec. 37. Parentage and substantial noncompliance.

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

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

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

23 (750 ILCS 47/39 new)

24 Sec. 39. Jurisdiction and venue. Any judicial proceeding

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

4 (750 ILCS 47/55)

5 Sec. 55. Damages.

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

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

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

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

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

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

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

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

12 (750 ILCS 47/60)

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

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

24 (750 ILCS 47/70)

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

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

9 (750 ILCS 47/75)

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

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

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

16 (750 ILCS 50/21.1 new)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 (3) appointment of a guardian ad litem;

23 (4) a criminal background check; or

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

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

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

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

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

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

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

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

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

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

23 Section 99. Effective date. This Act takes effect upon
24 becoming law, except that the changes to Sections 301, 302,
25 303, and 305 of the Illinois Parentage Act of 2015 take effect
26 on January 1, 2026.