



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB4349

Introduced 1/14/2026, by Rep. Dan Ugaste

SYNOPSIS AS INTRODUCED:

750 ILCS 46/703
750 ILCS 47/20
750 ILCS 47/25-1 new
815 ILCS 540/20-1 new

Amends the Parentage Act of 2015. Requires any individual who is an intended parent to undergo and pass a comprehensive criminal background check and screening before any insemination or embryo transfer. Provides that failure to do so waives any presumption that the person is the legal parent of any resulting child born through assisted reproduction. Prohibits an individual who is an intended parent from becoming the legal parent of a child resulting from the use of assisted reproduction if the intended parent has been convicted of or pleaded guilty to or nolo contendere to a list of criminal offenses. Makes the same changes to the Gestational Surrogacy Act. Amends the Illinois Fertility Fraud Act. Creates a cause of action against a health care provider by a child born as a result of assisted reproductive treatment if the health care provider failed to conduct a comprehensive criminal background check and screening of the child's intended parents that would have revealed that the intended parent had been convicted of or pled guilty to or nolo contendere to any specified violations and that child later suffered sexual abuse or sexual assault by that intended parent.

LRB104 17689 JRC 31120 b

1 AN ACT concerning civil law.

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

4 Section 5. The Illinois Parentage Act of 2015 is amended
5 by changing Section 703 as follows:

6 (750 ILCS 46/703)

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

8 (a) An individual who consents under this Section to
9 assisted reproduction with the intent to be a parent of a child
10 conceived by assisted reproduction is a parent of the child.

11 (a-1) Any individual who is an intended parent must
12 undergo and pass a comprehensive criminal background check and
13 screening as described in this Section before any insemination
14 or embryo transfer. Failure to do so waives any presumption
15 that the person is the legal parent of any resulting child born
16 through assisted reproduction.

17 (a-2) A comprehensive criminal background check and
18 screening for intended parents must include, but is not
19 limited to, the following:

20 (1) a criminal history check by fingerprints of the
21 person that are submitted to the Illinois State Police and
22 the Federal Bureau of Investigation for comparison to
23 their criminal history records or the National Crime

1 Information Database, when applicable;

2 (2) a check of the child abuse and neglect tracking
3 system and other State child protection systems, or the
4 national registry, as appropriate, to determine whether an
5 individual is currently alleged or has been indicated as a
6 perpetrator of child abuse or neglect; and

7 (3) a check of the Illinois Sex Offender Registry and
8 the National Sex Offenders Registry, as appropriate.

9 For intended parents who resided in another state in the
10 preceding 10 years, the screening also must include a check of
11 that other state's child abuse and neglect registry and the
12 National Sex Offender Registry.

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

15 (1) in a record signed before, on, or after the birth
16 of the child by the woman or individual who gave birth to
17 the child and by an individual who intends to be a parent
18 of the child; an acknowledgment of parentage under Section
19 301 is a record within the meaning of this subsection; or

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

24 Failure to consent as required by paragraph (1) or (2) of
25 subsection (b) does not preclude a court from finding consent
26 to parent if the individual for the first 2 years of the

1 child's life, including any period of temporary absence,
2 resided in the same household with the child and openly held
3 out the child as the individual's child.

4 (c) An individual who is an intended parent or the woman or
5 individual who gave birth to the child may bring a proceeding
6 for a judgment of parentage before or after the birth of the
7 child. If the court finds that the individual who did not give
8 birth consented under subsection (b) of this Section, the
9 court shall enter a judgment of parentage declaring the
10 individual to be the parent.

11 (d) The woman or individual who will give or who gave birth
12 to the child or an individual who is or claims to be a parent
13 under this Section may commence an action before or after the
14 birth of a child to obtain a judgment to declare that the
15 intended parent or parents are the parent or parents of the
16 resulting child immediately on birth of the child and order
17 that parental rights and responsibilities vest exclusively in
18 the intended parent or parents immediately on birth of the
19 child. A judgment issued before the birth of the resulting
20 child takes effect on the birth of the resulting child. The
21 State, the Department, and the hospital where the child is or
22 is expected to be born are not necessary parties to an action
23 under this Section.

24 (e) Notwithstanding any other provision of this Act or
25 law, no individual who is an intended parent who has been
26 convicted of or who has pled guilty to or nolo contendere to a

1 violation of the following offenses under the Criminal Code of
2 1961 or the Criminal Code of 2012, or a similar statute in
3 another jurisdiction, may be the legal parent of any resulting
4 child from the use of assisted reproduction:

5 (1) first degree murder in violation of paragraph (1)
6 or (2) of subsection (a) of Section 9-1 of the Criminal
7 Code of 1961 or the Criminal Code of 2012 or conviction of
8 second degree murder in violation of subsection (a) of
9 Section 9-2 of the Criminal Code of 1961 or the Criminal
10 Code of 2012 of a parent of the child to be adopted;

11 (2) first degree murder or second degree murder of any
12 child in violation of the Criminal Code of 1961 or the
13 Criminal Code of 2012;

14 (3) attempt or conspiracy to commit first degree
15 murder of any child in violation of the Criminal Code of
16 1961 or the Criminal Code of 2012;

17 (4) solicitation to commit murder of any child,
18 solicitation to commit murder of any child for hire, or
19 solicitation to commit second degree murder of any child
20 in violation of the Criminal Code of 1961 or the Criminal
21 Code of 2012;

22 (5) predatory criminal sexual assault of a child in
23 violation of Section 11-1.40 or 12-14.1 of the Criminal
24 Code of 1961 or the Criminal Code of 2012;

25 (6) heinous battery of any child in violation of the
26 Criminal Code of 1961;

1 (7) aggravated battery of any child in violation of
2 the Criminal Code of 1961 or the Criminal Code of 2012;

3 (8) any violation of Section 11-1.20 or Section 12-13
4 of the Criminal Code of 1961 or the Criminal Code of 2012;

5 (9) any violation of subsection (a) of Section 11-1.50
6 or Section 12-16 of the Criminal Code of 1961 or the
7 Criminal Code of 2012;

8 (10) any violation of Section 11-9.1 of the Criminal
9 Code of 1961 or the Criminal Code of 2012;

10 (11) any violation of Section 11-9.1A of the Criminal
11 Code of 1961 or the Criminal Code of 2012; or

12 (12) an offense in any other state the elements of
13 which are similar and bear a substantial relationship to
14 any of the enumerated offenses in this subsection.

15 (Source: P.A. 104-448, eff. 12-12-25.)

16 Section 10. The Gestational Surrogacy Act is amended by
17 changing Sections 20 and 25 and by adding Section 25-1 as
18 follows:

19 (750 ILCS 47/20)

20 Sec. 20. Eligibility.

21 (a) A gestational surrogate shall be deemed to have
22 satisfied the eligibility requirements of this Act if, at the
23 time the gestational surrogacy agreement is executed, the
24 gestational surrogate:

- 1 (1) is at least 21 years of age;
- 2 (2) has given birth to at least one child;
- 3 (3) has completed a medical evaluation;
- 4 (4) has completed a mental health evaluation;
- 5 (5) has had and will have ongoing legal representation
6 by independent counsel, licensed in Illinois and chosen by
7 the surrogate, throughout the course of the gestational
8 surrogacy arrangement regarding the terms of the
9 gestational surrogacy agreement and the potential
10 consequences of the gestational surrogacy; and
- 11 (6) has obtained a health insurance policy that covers
12 major medical treatments and hospitalization and the
13 health insurance policy has a term that extends throughout
14 the duration of the expected pregnancy and for 8 weeks
15 after the birth of the child; provided, however, that the
16 policy may be procured by the intended parents on behalf
17 of the gestational surrogate pursuant to the gestational
18 surrogacy agreement.

19 (b) The intended parent or parents shall be deemed to have
20 satisfied the eligibility requirements of this Act if, at the
21 time the gestational surrogacy agreement is executed, the
22 intended parent or parents:

- 23 (1) is at least 21 years of age;
- 24 (2) are experiencing infertility as defined in
25 subsection (c) of Section 356m of the Illinois Insurance
26 Code;

1 (3) have completed a mental health evaluation; and

2 (4) has had and will have ongoing legal representation
3 by independent counsel, licensed in Illinois, throughout
4 the course of the gestational surrogacy arrangement
5 regarding the terms of the gestational surrogacy agreement
6 and the potential legal consequences of the gestational
7 surrogacy; and -

8 (5) he, she, or they have undergone and passed a
9 comprehensive criminal background check and screening as
10 described in Subsection (c) before the commencement of any
11 medical procedures (other than medical or mental health
12 evaluations necessary to determine eligibility of the
13 parties under Section 20 of this Act).

14 (c) A comprehensive criminal background check and
15 screening for intended parents must include, but is not
16 limited to, the following:

17 (1) a criminal history check by fingerprints of the
18 person that are submitted to the Illinois State Police and
19 the Federal Bureau of Investigation for comparison to
20 their criminal history records or the National Crime
21 Information Database, when applicable;

22 (2) a check of the child abuse and neglect tracking
23 system and other state child protection systems, or the
24 national registry, as appropriate, to determine whether an
25 individual is currently alleged or has been indicated as a
26 perpetrator of child abuse or neglect; and

1 (3) a check of the Illinois Sex Offender Registry and
2 the National Sex Offenders Registry, as appropriate.

3 (Source: P.A. 104-448, eff. 12-12-25.)

4 (750 ILCS 47/25-1 new)

5 Sec. 25-1. Grounds for disqualification of intended
6 parents.

7 (a) Any individual who is an intended parent and refuses
8 to undergo a comprehensive criminal background check and
9 screening as described in Section 20 shall be deemed not to
10 have satisfied and met the eligibility requirements of this
11 Act.

12 (b) In addition, any individual who is an intended parent
13 and has been convicted of or who has pled guilty to or nolo
14 contendere to a violation of the following offenses under the
15 Criminal Code of 1961 or the Criminal Code of 2012, or a
16 similar statute in another jurisdiction, is deemed not to have
17 satisfied and met the eligibility requirements of this Act:

18 (1) first degree murder in violation of paragraph (1)
19 or (2) of subsection (a) of Section 9-1 of the Criminal
20 Code of 1961 or the Criminal Code of 2012 or conviction of
21 second degree murder in violation of subsection (a) of
22 Section 9-2 of the Criminal Code of 1961 or the Criminal
23 Code of 2012 of a parent of the child to be adopted;

24 (2) first degree murder or second degree murder of any
25 child in violation of the Criminal Code of 1961 or the

1 Criminal Code of 2012;

2 (3) attempt or conspiracy to commit first degree
3 murder or second degree murder of any child in violation
4 of the Criminal Code of 1961 or the Criminal Code of 2012;

5 (4) solicitation to commit murder of any child,
6 solicitation to commit murder of any child for hire, or
7 solicitation to commit second degree murder of any child
8 in violation of the Criminal Code of 1961 or the Criminal
9 Code of 2012;

10 (5) predatory criminal sexual assault of a child in
11 violation of Section 11-1.40 or 12-14.1 of the Criminal
12 Code of 1961 or the Criminal Code of 2012;

13 (6) heinous battery of any child in violation of the
14 Criminal Code of 1961;

15 (7) aggravated battery of any child in violation of
16 the Criminal Code of 1961 or the Criminal Code of 2012;

17 (8) any violation of Section 11-1.20 or Section 12-13
18 of the Criminal Code of 1961 or the Criminal Code of 2012;

19 (9) any violation of subsection (a) of Section 11-1.50
20 or Section 12-16 of the Criminal Code of 1961 or the
21 Criminal Code of 2012;

22 (10) any violation of Section 11-9.1 of the Criminal
23 Code of 1961 or the Criminal Code of 2012;

24 (11) any violation of Section 11-9.1A of the Criminal
25 Code of 1961 or the Criminal Code of 2012; or

26 (12) an offense in any other state the elements of

1 which are similar and bear a substantial relationship to
2 any of the enumerated offenses in this subsection.

3 Section 15. The Illinois Fertility Fraud Act is amended by
4 adding Section 20-1 as follows:

5 (815 ILCS 540/20-1 new)

6 Sec. 20-1. Negligent failure to screen intended parents. A
7 child born as a result of assisted reproductive treatment may
8 bring an action against any health care provider that:

9 (1) failed to conduct a comprehensive criminal
10 background check and screening of the child's intended
11 parents as required by Section 703 of the Illinois
12 Parentage Act of 2015 that would have revealed that the
13 intended parent had been convicted of or pled guilty to or
14 nolo contendere to any of the violations described in that
15 Section; and

16 (2) that child later suffered sexual abuse or sexual
17 assault by that intended parent.