



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB1990

Introduced 2/6/2025, by Sen. David Koehler

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 10780 JRC 20860 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) Any individual who is an intended parent as defined by
9 this Act and satisfies all of the requirements of this Section
10 is the legal parent of any resulting child. If the donor and
11 the intended parent have been represented by independent
12 counsel and entered into a written legal agreement in which
13 the donor relinquishes all rights and responsibilities to any
14 resulting child, the intended parent is the parent of the
15 child. An agreement under this subsection shall be entered
16 into prior to any insemination or embryo transfer.

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

23 (a-2) A comprehensive criminal background check and

1 screening for intended parents must include, but is not
2 limited to, the following:

3 (1) a criminal history check by fingerprints of the
4 person that are submitted to the Illinois State Police and
5 the Federal Bureau of Investigation for comparison to
6 their criminal history records or the National Crime
7 Information Database, when applicable;

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

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

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

19 (b) If a person makes an anonymous gamete donation without
20 a designated intended parent at the time of the gamete
21 donation, the intended parent is the parent of any resulting
22 child if the anonymous donor relinquished his or her parental
23 rights in writing at the time of donation. The written
24 relinquishment shall be directed to the entity to which the
25 donor donated his or her gametes.

26 (c) An intended parent may seek a court order confirming

1 the existence of a parent-child relationship prior to or after
2 the birth of a child based on compliance with subsection (a) or
3 (b) of this Section.

4 (d) If the requirements of subsection (a) of this Section
5 are not met, or subsection (b) of this Section is found by a
6 court to be inapplicable, a court of competent jurisdiction
7 shall determine parentage based on evidence of the parties'
8 intent at the time of donation.

9 (e) Notwithstanding any other provision of this Act or
10 law, no individual who is an intended parent who has been
11 convicted of or who has pled guilty to or nolo contendere to a
12 violation of the following offenses under the Criminal Code of
13 1961 or the Criminal Code of 2012, or a similar statute in
14 another jurisdiction, may be the legal parent of any resulting
15 child from the use of assisted reproduction:

16 (1) murder;

17 (2) solicitation of murder;

18 (3) solicitation of murder for hire;

19 (4) intentional homicide of an unborn child;

20 (5) voluntary manslaughter of an unborn child;

21 (6) involuntary manslaughter;

22 (7) reckless homicide;

23 (8) concealment of a homicidal death;

24 (9) involuntary manslaughter of an unborn child;

25 (10) reckless homicide of an unborn child;

26 (11) drug-induced homicide;

1 (12) a sex offense under Article 11, except offenses
2 described in Sections 11-7, 11-8, 11-12, 11-13, 11-35,
3 11-40, and 11-45;

4 (13) kidnapping;

5 (14) aggravated unlawful restraint;

6 (15) forcible detention;

7 (16) aiding and abetting child abduction;

8 (17) aggravated kidnapping;

9 (18) child abduction;

10 (19) aggravated battery of a child as described in
11 Section 12-4.3 or paragraph (1) of subsection (b) of
12 Section 12-3.05;

13 (20) criminal sexual assault;

14 (21) aggravated criminal sexual assault;

15 (22) predatory criminal sexual assault of a child;

16 (23) criminal sexual abuse;

17 (24) aggravated sexual abuse;

18 (25) heinous battery as described in Section 12-4.1 or
19 paragraph (2) of subsection (a) of Section 12-3.05;

20 (26) aggravated battery with a firearm as described in
21 Section 12-4.2 or paragraph (1), (2), (3), or (4) of
22 subsection (e) of Section 12-3.05;

23 (27) tampering with food, drugs, or cosmetics;

24 (28) drug-induced infliction of great bodily harm as
25 described in Section 12-4.7 or paragraph (1) of subsection
26 (g) of Section 12-3.05;

- 1 (29) aggravated stalking;
2 (30) home invasion;
3 (31) vehicular invasion;
4 (32) criminal transmission of HIV;
5 (33) criminal abuse or neglect of an elderly person or
6 person with a disability as described in Section 12-21 or
7 subsection (b) of Section 12-4.4a;
8 (34) child abandonment;
9 (35) endangering the life or health of a child;
10 (36) ritual mutilation;
11 (37) ritualized abuse of a child; or
12 (38) an offense in any other state the elements of
13 which are similar and bear a substantial relationship to
14 any of the foregoing offenses.

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

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 requirements of this Act if she has met the
23 following requirements at the time the gestational surrogacy
24 contract is executed:

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

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

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

24 (2) he, she, or they have a medical need for the
25 gestational surrogacy as evidenced by a qualified
26 physician's affidavit attached to the gestational

1 surrogacy contract and as required by the Illinois
2 Parentage Act of 2015;

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

5 (4) he, she, or they have undergone legal consultation
6 with independent legal counsel regarding the terms of the
7 gestational surrogacy contract and the potential legal
8 consequences of the gestational surrogacy ; ~~and~~ -

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

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

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

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

1 perpetrator of child abuse or neglect; and

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

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

5 (750 ILCS 47/25-1 new)

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

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

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

19 (1) murder;

20 (2) solicitation of murder;

21 (3) solicitation of murder for hire;

22 (4) intentional homicide of an unborn child;

23 (5) voluntary manslaughter of an unborn child;

24 (6) involuntary manslaughter;

25 (7) reckless homicide;

- 1 (8) concealment of a homicidal death;
- 2 (9) involuntary manslaughter of an unborn child;
- 3 (10) reckless homicide of an unborn child;
- 4 (11) drug-induced homicide;
- 5 (12) a sex offense under Article 11, except offenses
6 described in Sections 11-7, 11-8, 11-12, 11-13, 11-35,
7 11-40, and 11-45;
- 8 (13) kidnapping;
- 9 (14) aggravated unlawful restraint;
- 10 (15) forcible detention;
- 11 (16) aiding and abetting child abduction;
- 12 (17) aggravated kidnapping;
- 13 (18) child abduction;
- 14 (19) aggravated battery of a child as described in
15 Section 12-4.3 or paragraph (1) of subsection (b) of
16 Section 12-3.05;
- 17 (20) criminal sexual assault;
- 18 (21) aggravated criminal sexual assault;
- 19 (22) predatory criminal sexual assault of a child;
- 20 (23) criminal sexual abuse;
- 21 (24) aggravated sexual abuse;
- 22 (25) heinous battery as described in Section 12-4.1 or
23 paragraph (2) of subsection (a) of Section 12-3.05;
- 24 (26) aggravated battery with a firearm as described in
25 Section 12-4.2 or paragraph (1), (2), (3), or (4) of
26 subsection (e) of Section 12-3.05;

- 1 (27) tampering with food, drugs, or cosmetics;
2 (28) drug-induced infliction of great bodily harm as
3 described in Section 12-4.7 or paragraph (1) of subsection
4 (g) of Section 12-3.05;
5 (29) aggravated stalking;
6 (30) home invasion;
7 (31) vehicular invasion;
8 (32) criminal transmission of HIV;
9 (33) criminal abuse or neglect of an elderly person or
10 person with a disability as described in Section 12-21 or
11 subsection (b) of Section 12-4.4a;
12 (34) child abandonment;
13 (35) endangering the life or health of a child;
14 (36) ritual mutilation;
15 (37) ritualized abuse of a child; or
16 (38) an offense in any other state the elements of
17 which are similar and bear a substantial relationship to
18 any of the foregoing offenses.

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

21 (815 ILCS 540/20-1 new)

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

1 (1) failed to conduct a comprehensive criminal
2 background check and screening of the child's intended
3 parents as required by Section 703 of the Illinois
4 Parentage Act of 2015 that would have revealed that the
5 intended parent had been convicted of or pled guilty to or
6 nolo contendere to any of the violations described in that
7 Section; and
8 (2) that child later suffered sexual abuse or sexual
9 assault by that intended parent.