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AMENDMENT TO SENATE BILL 1869

2 AMENDMENT NO. ____. Amend Senate Bill 1869 by replacing 3 everything after the enacting clause with the following:

4 "Section 5. The Frauds Act is amended by changing5 Section 1 as follows:

6 (740 ILCS 80/1) (from Ch. 59, par. 1)

7 Sec. 1. Except as provided in Section 3 of the Illinois Parentage Act in the case of the paternity of a child 8 conceived by artificial insemination, That no action shall be 9 10 brought, whereby to charge any executor or administrator upon 11 any special promise to answer any debt or damages out of his own estate, or whereby to charge the defendant upon any 12 answer for the debt, default or 13 special promise to 14 miscarriage of another person, or to charge any person upon any agreement made upon consideration of marriage, or upon 15 any agreement that is not to be performed within the space of 16 17 one year from the making thereof, unless the promise or agreement upon which such action shall be brought, or some 18 19 memorandum or note thereof, shall be in writing, and signed by the party to be charged therewith, or some other person 20 21 thereunto by him lawfully authorized.

22 (Source: R.S. 1874, p. 540.)

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Section 10. The Illinois Parentage Act is amended by
changing the title of the Act and Section 3 as follows:

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(750 ILCS 40/Act Title)

An Act to define the legal relationships of a child born to a <u>woman</u> wife and <u>a man</u> husband requesting and consenting to heterologous artificial insemination.

7 (750 ILCS 40/3) (from Ch. 40, par. 1453)

3. (a) If, under the supervision of a licensed 8 Sec. 9 physician and with the consent of the intended father of the 10 child her--husband, a woman wife is inseminated artificially 11 with semen donated by a man other than the intended father not-her-husband, the intended father husband shall be treated 12 13 law as if he were the natural father of a child thereby in 14 conceived. The intended father's husband's consent (i) shall 15 must be in writing executed and acknowledged by both the 16 intended father husband and the woman wife or (ii) may be 17 inferred from the intended father's conduct evidencing his actual consent to the artificial insemination procedure. 18 Ιf 19 the intended father and the woman execute a written consent 20 to the procedure, the physician who is to perform the 21 technique shall certify their signatures and the date of the insemination, and file the <u>intended father's</u> 22 husband's 23 consent in the medical record where it shall be kept confidential and held by the patient's physician. 24 However, the physician's failure to do so shall not affect the 25 legal relationship between father and child. All papers and records 26 27 pertaining to the insemination, whether part of the permanent 28 medical record held by the physician or not, are subject to inspection only upon an order of the court for good cause 29 30 shown.

31 (b) The donor of semen provided to a licensed physician 32 for use in artificial insemination of a woman other than the

- 1 donor's wife shall be treated in law as if he were not the
- 2 natural father of a child thereby conceived.
- 3 (Source: P.A. 83-1026.)".