



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

HB4435

Introduced 01/09/06, by Rep. Dan Brady

#### SYNOPSIS AS INTRODUCED:

750 ILCS 47/27 new

Amends the Gestational Surrogacy Act. Allows the gestational surrogate to request the impounding of the court file and records of the Department of Public Health concerning the surrogacy contract, medical evaluations, mental evaluations, and any other record concerning the gestational surrogacy. Provides that certified copies of all papers and documents contained in any file of the court or the Department of Public Health so impounded shall be made only on order of the court. Permits the intended parent, the attorney of record for the intended parent, the gestational surrogate, or the attorney of record for the gestational surrogate to inspect the impounded file only with leave of court. Provides that the intended parent, the attorney of record for the intended parent, the gestational surrogate, and the attorney of record for the gestational surrogate shall be entitled to receive certified copies of the court documents or Department of Public Health file concerning the proceeding for gestational surrogacy at any time within 30 days after the request for the records to be impounded without order of court. Provides that after 30 days from the request for the records to be impounded, no copies may be obtained without prior order of court, but good cause is not necessary to be shown by one of the parties to the surrogacy contract. Effective immediately.

LRB094 15286 LCT 50477 b

FISCAL NOTE ACT  
MAY APPLY

1 AN ACT concerning families.

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

4 Section 5. The Gestational Surrogacy Act is amended by  
5 adding Section 27 as follows:

6 (750 ILCS 47/27 new)

7 Sec. 27. Sealing records. Upon the request of the  
8 gestational surrogate, all records concerning the surrogacy  
9 contract, medical evaluations, mental evaluations, or any  
10 other record concerning the gestational surrogacy maintained  
11 by the Department of Public Health shall be impounded and shall  
12 be opened for examination only upon specific order by the  
13 court. Upon the request of the gestational surrogate, all  
14 records concerning the surrogacy contract, medical  
15 evaluations, mental evaluations, or any other record  
16 concerning the gestational surrogacy maintained by each  
17 circuit clerk shall be impounded in accordance with the  
18 procedures provided by the Illinois Supreme Court's General  
19 Administrative Order on Recordkeeping and shall be opened for  
20 examination only upon specific order of the court, which order  
21 shall name the person or persons who are to be permitted to  
22 examine the file. Certified copies of all papers and documents  
23 contained in any file of the court or the Department of Public  
24 Health so impounded shall be made only on order of the court.  
25 The intended parent, the attorney of record for the intended  
26 parent, the gestational surrogate, or the attorney of record  
27 for the gestational surrogate may inspect the impounded file  
28 only with leave of court. The intended parent, the attorney of  
29 record for the intended parent, the gestational surrogate, and  
30 the attorney of record for the gestational surrogate shall be  
31 entitled to receive certified copies of the court documents or  
32 Department of Public Health file concerning the proceeding for

1 gestational surrogacy at any time within 30 days after the  
2 request for the records to be impounded without order of court.  
3 After 30 days from the request for the records to be impounded,  
4 no copies may be obtained without prior order of court, but  
5 good cause is not necessary to be shown by one of the parties  
6 to the surrogacy contract.

7 Section 99. Effective date. This Act takes effect upon  
8 becoming law.