

1 **UNIFORM PARENTAGE ACT (2000)**

2
3 *WITH PREFATORY NOTE AND COMMENTS*

4
5 Drafted by the

6
7 NATIONAL CONFERENCE OF COMMISSIONERS
8 ON UNIFORM STATE LAWS

9
10 and by it

11
12 APPROVED AND RECOMMENDED FOR ENACTMENT
13 IN ALL THE STATES

14 at its

15 ANNUAL CONFERENCE
16 MEETING IN ITS ONE-HUNDRED-AND-NINTH YEAR
17 ST. AUGUSTINE, FLORIDA

18
19 JULY 28 – AUGUST 4, 2000

20 **TABLE OF CONTENTS**

21

22 PREFATORY NOTE..... 1

23 ARTICLE 1. GENERAL PROVISIONS

24 ARTICLE 2. PARENT-CHILD RELATIONSHIP

25 ARTICLE 3. VOLUNTARY ACKNOWLEDGMENT OF PATERNITY

26 ARTICLE 4. REGISTRY OF PATERNITY

27 ARTICLE 5. GENETIC TESTING

28 ARTICLE 6. PROCEEDING TO ADJUDICATE PARENTAGE

29 ARTICLE 7. CHILD OF ASSISTED REPRODUCTION

30 [ARTICLE 8. GESTATIONAL AGREEMENT

31 ARTICLE 9. MISCELLANEOUS PROVISIONS

32

33 APPENDIX: FEDERAL IV-D STATUTE RELATING TO PARENTAGE

34

1 **UNIFORM PARENTAGE ACT (2000)**

2 **ARTICLE 1**

3 **GENERAL PROVISIONS**

4
5 SECTION 101. SHORT TITLE

6 SECTION 102. DEFINITIONS

7 SECTION 103. SCOPE OF [ACT]; CHOICE OF LAW

8 SECTION 104. COURT OF THIS STATE

9 SECTION 105. PROTECTION OF PARTICIPANTS

10 SECTION 106. DETERMINATION OF MATERNITY

11
12 **SECTION 101. SHORT TITLE.** This [Act] may be cited as the Uniform Parentage Act
13 (2000).

14 **SECTION 102. DEFINITIONS.** In this [Act]:

15 (1) "Acknowledged father" means a man who has established a father-child relationship
16 under [Article] 3.

17 (2) "Adjudicated father" means a man who has been adjudicated by a court of competent
18 jurisdiction to be the father of a child.

19 (3) "Alleged father" means a man who alleges himself to be, or is alleged to be, the genetic
20 father or a possible genetic father of a child, but whose paternity has not been determined. The
21 term does not include:

22 (A) a presumed father;

23 (B) a man whose parental rights have been terminated or declared not to exist; or

24 (C) a male donor.

25 (4) "Assisted reproduction" means a method of causing pregnancy other than sexual
26 intercourse. The term includes:

27 (A) intrauterine insemination;

28 (B) donation of eggs;

29 (C) donation of embryos;

30 (D) in-vitro fertilization and transfer of embryos; and

31 (E) intracytoplasmic sperm injection.

32 (5) "Child" means an individual of any age whose parentage may be determined under this
33 [Act].

34 (6) "Commence" means to file the initial pleading seeking an adjudication of parentage in
35 [the appropriate court] of this State.

36 (7) "Determination of parentage" means the establishment of the parent-child relationship
37 by the signing of a valid acknowledgment of paternity under [Article] 3 or adjudication by the
38 court.

39 (8) "Donor" means an individual who produces eggs or sperm used for assisted
40 reproduction, whether or not for consideration. The term does not include:

41 (A) a husband who provides sperm, or a wife who provides eggs, to be used for assisted
42 reproduction by the wife; or

1 (B) a woman who gives birth to a child by means of assisted reproduction [, except as
2 otherwise provided in [Article] 8].

3 (9) “Ethnic or racial group” means, for purposes of genetic testing, a recognized group that
4 an individual identifies as all or part of the individual’s ancestry or that is so identified by other
5 information.

6 (10) “Genetic testing” means an analysis of genetic markers to exclude or identify a man as
7 the father or a woman as the mother of a child. The term includes an analysis of one or a
8 combination of the following:

9 (A) deoxyribonucleic acid; and

10 (B) blood-group antigens, red-cell antigens, human-leukocyte antigens, serum enzymes,
11 serum proteins, or red-cell enzymes.

12 [(11) “Gestational mother” means a woman who gives birth to a child under a gestational
13 agreement.]

14 (12) “Intended parents” means individuals who enter into an agreement providing that
15 they will be the parents of a child born to a gestational mother by means of assisted reproduction,
16 whether or not either of them has a genetic relationship with the child.

17 (13) “Man” means a male individual of any age.

18 (14) “Parent” means an individual who has established a parent-child relationship under
19 Section 201.

20 (15) “Parent-child relationship” means the legal relationship between a child and a parent
21 of the child. The term includes the mother-child relationship and the father-child relationship.

22 (16) “Paternity index” means the likelihood of paternity calculated by computing the ratio
23 between:

24 (A) the likelihood that the tested man is the father, based on the genetic markers of the
25 tested man, mother, and child, conditioned on the hypothesis that the tested man is the father of
26 the child; and

27 (B) the likelihood that the tested man is not the father, based on the genetic markers of
28 the tested man, mother, and child, conditioned on the hypothesis that the tested man is not the
29 father of the child and that the father is of the same ethnic or racial group as the tested man.

30 (17) “Presumed father” means a man who, by operation of law under Section 204, is
31 recognized as the father of a child until that status is rebutted or confirmed in a judicial
32 proceeding.

33 (18) “Probability of paternity” means the measure, for the ethnic or racial group to which
34 the alleged father belongs, of the probability that the man in question is the father of the child,
35 compared with a random, unrelated man of the same ethnic or racial group, expressed as a
36 percentage incorporating the paternity index and a prior probability.

37 (19) “Record” means information that is inscribed on a tangible medium or that is stored in
38 an electronic or other medium and is retrievable in perceivable form.

39 (20) “Signatory” means an individual who authenticates a record and is bound by its terms.

40 (21) “State” means a State of the United States, the District of Columbia, Puerto Rico, the
41 United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the
42 United States.

43 (22) “Support-enforcement agency” means a public official or agency authorized to seek:

- 1 (A) enforcement of support orders or laws relating to the duty of support;
- 2 (B) establishment or modification of child support;
- 3 (C) determination of parentage; or
- 4 (D) location of child-support obligors and their income and assets.

5 **SECTION 103. SCOPE OF [ACT]; CHOICE OF LAW.**

6 (a) This [Act] governs every determination of parentage in this State.

7 (b) The court shall apply the law of this State to adjudicate the parent-child relationship.

8 The applicable law does not depend on:

- 9 (1) the place of birth of the child; or
- 10 (2) the past or present residence of the child.

11 (c) This [Act] does not create, enlarge, or diminish parental rights or duties under other
12 law of this State.

13 [(d) This [Act] does not authorize or prohibit an agreement between a woman and intended
14 parents in which the woman relinquishes all rights as a parent of a child conceived by means of
15 assisted reproduction, and which provides that the intended parents become the parents of the
16 child. If a birth results under such an agreement and the agreement is unenforceable under [the
17 law of this State], the parent-child relationship is determined as provided in [Article] 2.]

18 **SECTION 104. COURT OF THIS STATE.** The [designate] court is authorized to adjudicate
19 parentage under this [Act].

20 **SECTION 105. PROTECTION OF PARTICIPANTS.** Proceedings under this [Act] are
21 subject to other law of this State governing the health, safety, privacy, and liberty of a child or
22 other individual who could be jeopardized by disclosure of identifying information, including
23 address, telephone number, place of employment, social security number, and the child's day-care
24 facility and school.

25
26 **SECTION 106. DETERMINATION OF MATERNITY.** Provisions of this [Act] relating to
27 determination of paternity apply to determinations of maternity.
28

29 **ARTICLE 2**
30 **PARENT-CHILD RELATIONSHIP**

31
32 SECTION 201. ESTABLISHMENT OF PARENT-CHILD RELATIONSHIP

33 SECTION 202. NO DISCRIMINATION BASED ON MARITAL STATUS

34 SECTION 203. CONSEQUENCES OF ESTABLISHMENT OF PARENTAGE

35 SECTION 204. PRESUMPTION OF PATERNITY IN CONTEXT OF MARRIAGE
36

37 **SECTION 201. ESTABLISHMENT OF PARENT-CHILD RELATIONSHIP.**

38 (a) The mother-child relationship is established between a woman and a child by:

39 (1) the woman's having given birth to the child [, except as otherwise provided in
40 [Article] 8];

41 (2) an adjudication of the woman's maternity; [or]

42 (3) adoption of the child by the woman [; or

1 (4) an adjudication confirming the woman as a parent of a child born to a gestational
2 mother if the agreement was validated under [Article] 8 or is enforceable under other law].

3 (b) The father-child relationship is established between a man and a child by:

4 (1) an un rebutted presumption of the man's paternity of the child under Section 204;

5 (2) an effective acknowledgment of paternity by the man under [Article] 3, unless the
6 acknowledgment has been rescinded or successfully challenged;

7 (3) an adjudication of the man's paternity;

8 (4) adoption of the child by the man; [or]

9 (5) the man's having consented to assisted reproduction by his wife under [Article] 7
10 which resulted in the birth of the child [; or

11 (6) an adjudication confirming the man as a parent of a child born to a gestational
12 mother if the agreement was validated under [Article] 8 or is enforceable under other law].

13 **SECTION 202. NO DISCRIMINATION BASED ON MARITAL STATUS.** A child born to
14 parents who are not married to each other has the same rights under the law as a child born to
15 parents who are married to each other.

16 **SECTION 203. CONSEQUENCES OF ESTABLISHMENT OF PARENTAGE.** Unless
17 parental rights are terminated, a parent-child relationship established under this [Act] applies for
18 all purposes, except as otherwise specifically provided by other law of this State.

19 **SECTION 204. PRESUMPTION OF PATERNITY IN CONTEXT OF MARRIAGE.**

20 (a) A man is presumed to be the father of a child if:

21 (1) he and the mother of the child are married to each other and the child is born
22 during the marriage;

23 (2) he and the mother of the child were married to each other and the child is born
24 within 300 days after the marriage is terminated by death, annulment, declaration of invalidity, or
25 divorce [, or after a decree of separation];

26 (3) before the birth of the child, he and the mother of the child married each other in
27 apparent compliance with law, even if the attempted marriage is or could be declared invalid, and
28 the child is born during the invalid marriage or within 300 days after its termination by death,
29 annulment, declaration of invalidity, or divorce [, or after a decree of separation]; or

30 (4) after the birth of the child, he and the mother of the child married each other in
31 apparent compliance with law, whether or not the marriage is or could be declared invalid, and he
32 voluntarily asserted his paternity of the child, and:

33 (A) the assertion is in a record filed with [state agency maintaining birth records];

34 (B) he agreed to be and is named as the child's father on the child's birth certificate;

35 or

36 (C) he promised in a record to support the child as his own.

37 (b) A presumption of paternity established under this section may be rebutted only by an
38 adjudication under [Article] 6.

39
40

ARTICLE 3
VOLUNTARY ACKNOWLEDGMENT OF PATERNITY

- SECTION 301. ACKNOWLEDGMENT OF PATERNITY
- SECTION 302. EXECUTION OF ACKNOWLEDGMENT OF PATERNITY
- SECTION 303. DENIAL OF PATERNITY
- SECTION 304. RULES FOR ACKNOWLEDGMENT AND DENIAL OF PATERNITY
- SECTION 305. EFFECT OF ACKNOWLEDGMENT OR DENIAL OF PATERNITY
- SECTION 306. NO FILING FEE
- SECTION 307. PROCEEDING FOR RESCISSION
- SECTION 308. CHALLENGE AFTER EXPIRATION OF PERIOD FOR RESCISSION
- SECTION 309. PROCEDURE FOR RESCISSION OR CHALLENGE
- SECTION 310. RATIFICATION BARRED
- SECTION 311. FULL FAITH AND CREDIT
- SECTION 312. FORMS FOR ACKNOWLEDGMENT AND DENIAL OF PATERNITY
- SECTION 313. RELEASE OF INFORMATION
- SECTION 314. ADOPTION OF RULES

Federal IV-D Statute Relating to Parentage,

SECTION 301. ACKNOWLEDGMENT OF PATERNITY. The mother of a child and a man claiming to be the father of the child conceived as the result of his sexual intercourse with the mother may sign an acknowledgment of paternity with intent to establish the man's paternity.

SECTION 302. EXECUTION OF ACKNOWLEDGMENT OF PATERNITY.

(a) An acknowledgment of paternity must:

- (1) be in a record;
- (2) be signed, or otherwise authenticated, under penalty of perjury by the mother and by the man seeking to establish his paternity;
- (3) state that the child whose paternity is being acknowledged:
 - (A) does not have a presumed father, or has a presumed father whose full name is stated; and
 - (B) does not have another acknowledged or adjudicated father;
- (4) state whether there has been genetic testing and, if so, that the acknowledging man's claim of paternity is consistent with the results of the testing; and
- (5) state that the signatories understand that the acknowledgment is the equivalent of a judicial adjudication of paternity of the child and that a challenge to the acknowledgment is permitted only under limited circumstances and is barred after two years.

(b) An acknowledgment of paternity is void if it:

- (1) states that another man is a presumed father, unless a denial of paternity signed or otherwise authenticated by the presumed father is filed with the [agency maintaining birth records];
- (2) states that another man is an acknowledged or adjudicated father; or
- (3) falsely denies the existence of a presumed, acknowledged, or adjudicated father of the child.

1 (c) A presumed father may sign or otherwise authenticate an acknowledgment of
2 paternity.

3 **SECTION 303. DENIAL OF PATERNITY.** A presumed father may sign a denial of his
4 paternity. The denial is valid only if:

5 (1) an acknowledgment of paternity signed, or otherwise authenticated, by another man is
6 filed pursuant to Section 305;

7 (2) the denial is in a record, and is signed, or otherwise authenticated, under penalty of
8 perjury; and

9 (3) the presumed father has not previously:

10 (A) acknowledged his paternity, unless the previous acknowledgment has been
11 rescinded pursuant to Section 307 or successfully challenged pursuant to Section 308; or

12 (B) been adjudicated to be the father of the child.

13 **SECTION 304. RULES FOR ACKNOWLEDGMENT AND DENIAL OF PATERNITY.**

14 (a) An acknowledgment of paternity and a denial of paternity may be contained in a single
15 document or may be signed in counterparts, and may be filed separately or simultaneously. If the
16 acknowledgement and denial are both necessary, neither is valid until both are filed.

17 (b) An acknowledgment of paternity or a denial of paternity may be signed before the birth
18 of the child.

19 (c) Subject to subsection (a), an acknowledgment of paternity or denial of paternity takes
20 effect on the birth of the child or the filing of the document with the [agency maintaining birth
21 records], whichever occurs later.

22 (d) An acknowledgment of paternity or denial of paternity signed by a minor is valid if it is
23 otherwise in compliance with this [Act].

24 **SECTION 305. EFFECT OF ACKNOWLEDGMENT OR DENIAL OF PATERNITY.**

25 (a) Except as otherwise provided in Sections 307 and 308, a valid acknowledgment of
26 paternity filed with the [agency maintaining birth records] is equivalent to an adjudication of
27 paternity of a child and confers upon the acknowledged father all of the rights and duties of a
28 parent.

29 (b) Except as otherwise provided in Sections 307 and 308, a valid denial of paternity by a
30 presumed father filed with the [agency maintaining birth records] in conjunction with a valid
31 acknowledgment of paternity is equivalent to an adjudication of the nonpaternity of the presumed
32 father and discharges the presumed father from all rights and duties of a parent.

33 **SECTION 306. NO FILING FEE.** The [agency maintaining birth records] may not charge
34 for filing an acknowledgment of paternity or denial of paternity.

35 **SECTION 307. PROCEEDING FOR RESCISSION.** A signatory may rescind an
36 acknowledgment of paternity or denial of paternity by commencing a proceeding to rescind before
37 the earlier of:

38 (1) 60 days after the effective date of the acknowledgment or denial, as provided in Section
39 304; or

40 (2) the date of the first hearing, in a proceeding to which the signatory is a party, before a
41 court to adjudicate an issue relating to the child, including a proceeding that establishes support.

1 **SECTION 308. CHALLENGE AFTER EXPIRATION OF PERIOD FOR RESCISSION.**

2 (a) After the period for rescission under Section 307 has expired, a signatory of an
3 acknowledgment of paternity or denial of paternity may commence a proceeding to challenge the
4 acknowledgment or denial only:

5 (1) on the basis of fraud, duress, or material mistake of fact; and

6 (2) within two years after the acknowledgment or denial is filed with the [agency
7 maintaining birth records].

8 (b) A party challenging an acknowledgment of paternity or denial of paternity has the
9 burden of proof.

10 **SECTION 309. PROCEDURE FOR RESCISSION OR CHALLENGE.**

11 (a) Every signatory to an acknowledgment of paternity and any related denial of paternity
12 must be made a party to a proceeding to rescind or challenge the acknowledgment or denial.

13 (b) For the purpose of rescission of, or challenge to, an acknowledgment of paternity or
14 denial of paternity, a signatory submits to personal jurisdiction of this State by signing the
15 acknowledgment or denial, effective upon the filing of the document with the [agency maintaining
16 birth records].

17 (c) Except for good cause shown, during the pendency of a proceeding to rescind or
18 challenge an acknowledgment of paternity or denial of paternity, the court may not suspend the
19 legal responsibilities of a signatory arising from the acknowledgment, including the duty to pay
20 child support.

21 (d) A proceeding to rescind or to challenge an acknowledgment of paternity or denial of
22 paternity must be conducted in the same manner as a proceeding to adjudicate parentage under
23 [Article] 6.

24 (e) At the conclusion of a proceeding to rescind or challenge an acknowledgment of
25 paternity or denial of paternity, the court shall order the [agency maintaining birth records] to
26 amend the birth record of the child, if appropriate.

27 **SECTION 310. RATIFICATION BARRED.** A court or administrative agency conducting a
28 judicial or administrative proceeding is not required or permitted to ratify an unchallenged
29 acknowledgment of paternity.

30 **SECTION 311. FULL FAITH AND CREDIT.** A court of this State shall give full faith and
31 credit to an acknowledgment of paternity or denial of paternity effective in another State if the
32 acknowledgment or denial has been signed and is otherwise in compliance with the law of the other
33 State.

34 **SECTION 312. FORMS FOR ACKNOWLEDGMENT AND DENIAL OF PATERNITY.**

35 (a) To facilitate compliance with this [article], the [agency maintaining birth records] shall
36 prescribe forms for the acknowledgment of paternity and the denial of paternity.

37 (b) A valid acknowledgment of paternity or denial of paternity is not affected by a later
38 modification of the prescribed form.

39 **SECTION 313. RELEASE OF INFORMATION.** The [agency maintaining birth records]
40 may release information relating to the acknowledgment of paternity or denial of paternity to a
41 signatory of the acknowledgment or denial and to courts and [appropriate state or federal agencies]
42 of this or another State.

1 (c) A registrant shall promptly notify the registry in a record of any change in the
2 information registered. The [agency maintaining the registry] shall incorporate all new
3 information received into its records but need not affirmatively seek to obtain current information
4 for incorporation in the registry.

5 **SECTION 403. NOTICE OF PROCEEDING.** Notice of a proceeding for the adoption of, or
6 termination of parental rights regarding, a child must be given to a registrant who has timely
7 registered. Notice must be given in a manner prescribed for service of process in a civil action.

8 **SECTION 404. TERMINATION OF PARENTAL RIGHTS: CHILD UNDER ONE YEAR**
9 **OF AGE.** The parental rights of a man who may be the father of a child may be terminated
10 without notice if:

11 (1) the child has not attained one year of age at the time of the termination of parental
12 rights;

13 (2) the man did not register timely with the [agency maintaining the registry]; and

14 (3) the man is not exempt from registration under Section 402.

15 **SECTION 405. TERMINATION OF PARENTAL RIGHTS: CHILD AT LEAST ONE**
16 **YEAR OF AGE.**

17 (a) If a child has attained one year of age, notice of a proceeding for adoption of, or
18 termination of parental rights regarding, the child must be given to every alleged father of the
19 child, whether or not he has registered with the [agency maintaining the registry].

20 (b) Notice must be given in a manner prescribed for service of process in a civil action.

21
22 **PART 2**
23 **OPERATION OF REGISTRY**
24

25 **SECTION 411. REQUIRED FORM.** The [agency maintaining the registry] shall prepare a
26 form for registering with the agency. The form must require the signature of the registrant. The
27 form must state that the form is signed under penalty of perjury. The form must also state that:

28 (1) a timely registration entitles the registrant to notice of a proceeding for adoption of the
29 child or termination of the registrant's parental rights;

30 (2) a timely registration does not commence a proceeding to establish paternity;

31 (3) the information disclosed on the form may be used against the registrant to establish
32 paternity;

33 (4) services to assist in establishing paternity are available to the registrant through the
34 support-enforcement agency;

35 (5) the registrant should also register in another State if conception or birth of the child
36 occurred in the other State;

37 (6) information on registries of other States is available from [appropriate state agency or
38 agencies]; and

39 (7) procedures exist to rescind the registration of a claim of paternity.

40 **SECTION 412. FURNISHING OF INFORMATION; CONFIDENTIALITY.**

41 (a) The [agency maintaining the registry] need not seek to locate the mother of a child who
42 is the subject of a registration, but the [agency maintaining the registry] shall send a copy of the
43 notice of registration to a mother if she has provided an address.

1 (b) Information contained in the registry is confidential and may be released on request
2 only to:

3 (1) a court or a person designated by the court;

4 (2) the mother of the child who is the subject of the registration;

5 (3) an agency authorized by other law to receive the information;

6 (4) a licensed child-placing agency;

7 (5) a support-enforcement agency;

8 (6) a party or the party's attorney of record in a proceeding under this [Act] or in a
9 proceeding for adoption of, or for termination of parental rights regarding, a child who is the
10 subject of the registration; and

11 (7) the registry of paternity in another State.

12 **SECTION 413. PENALTY FOR RELEASING INFORMATION.** An individual commits a
13 [appropriate level misdemeanor] if the individual intentionally releases information from the
14 registry to another individual or agency not authorized to receive the information under Section
15 412.

16 **SECTION 414. RESCISSION OF REGISTRATION.** A registrant may rescind his
17 registration at any time by sending to the registry a rescission in a record signed or otherwise
18 authenticated by him, and witnessed or notarized.

19 **SECTION 415. UNTIMELY REGISTRATION.** If a man registers more than 30 days after
20 the birth of the child, the [agency] shall notify the registrant that on its face his registration was
21 not filed timely.

22 **SECTION 416. FEES FOR REGISTRY.**

23 (a) A fee may not be charged for filing a registration or a rescission of registration.

24 (b) [Except as otherwise provided in subsection (c), the] [The] [agency maintaining the
25 registry] may charge a reasonable fee for making a search of the registry and for furnishing a
26 certificate.

27 [(c) A support-enforcement agency [is] [and other appropriate agencies, if any, are] not
28 required to pay a fee authorized by subsection (b).]

29
30
31 **PART 3**
32 **SEARCH OF REGISTRIES**

33
34 **SECTION 421. SEARCH OF APPROPRIATE REGISTRY.**

35 (a) If a father-child relationship has not been established under this [Act] for a child under
36 one year of age, a [petitioner] for adoption of, or termination of parental rights regarding, the child,
37 must obtain a certificate of search of the registry of paternity.

38 (b) If a [petitioner] for adoption of, or termination of parental rights regarding, a child has
39 reason to believe that the conception or birth of the child may have occurred in another State, the
40 [petitioner] must also obtain a certificate of search from the registry of paternity, if any, in that
41 State.

1 (2) denying paternity and stating facts establishing a possibility that sexual contact
2 between the individuals, if any, did not result in the conception of the child.

3 (b) A support-enforcement agency may order genetic testing only if there is no presumed,
4 acknowledged, or adjudicated father.

5 (c) If a request for genetic testing of a child is made before birth, the court or support-
6 enforcement agency may not order in-utero testing.

7 (d) If two or more men are subject to court-ordered genetic testing, the testing may be
8 ordered concurrently or sequentially.

9 **SECTION 503. REQUIREMENTS FOR GENETIC TESTING.**

10 (a) Genetic testing must be of a type reasonably relied upon by experts in the field of
11 genetic testing and performed in a testing laboratory accredited by:

12 (1) the American Association of Blood Banks, or a successor to its functions;

13 (2) the American Society for Histocompatibility and Immunogenetics, or a successor to
14 its functions; or

15 (3) an accrediting body designated by the federal Secretary of Health and Human
16 Services.

17 (b) A specimen used in genetic testing may consist of one or more samples, or a
18 combination of samples, of blood, buccal cells, bone, hair, or other body tissue or fluid. The
19 specimen used in the testing need not be of the same kind for each individual undergoing genetic
20 testing.

21 (c) Based on the ethnic or racial group of an individual, the testing laboratory shall
22 determine the databases from which to select frequencies for use in calculation of the probability of
23 paternity. If there is disagreement as to the testing laboratory's choice, the following rules apply:

24 (1) The individual objecting may require the testing laboratory, within 30 days after
25 receipt of the report of the test, to recalculate the probability of paternity using an ethnic or racial
26 group different from that used by the laboratory.

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

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

31 (B) engage another testing laboratory to perform the calculations.

32 (3) The testing laboratory may use its own statistical estimate if there is a question
33 regarding which ethnic or racial group is appropriate. If available, the testing laboratory shall
34 calculate the frequencies using statistics for any other ethnic or racial group requested.

35 (d) If, after recalculation using a different ethnic or racial group, genetic testing does not
36 rebuttably identify a man as the father of a child under Section 505, an individual who has been
37 tested may be required to submit to additional genetic testing.

38 **SECTION 504. REPORT OF GENETIC TESTING.**

39 (a) A report of genetic testing must be in a record and signed under penalty of perjury by a
40 designee of the testing laboratory. A report made under the requirements of this [article] is self-
41 authenticating.

1 (b) Documentation from the testing laboratory of the following information is sufficient to
2 establish a reliable chain of custody that allows the results of genetic testing to be admissible
3 without testimony:

- 4 (1) the names and photographs of the individuals whose specimens have been taken;
- 5 (2) the names of the individuals who collected the specimens;
- 6 (3) the places and dates the specimens were collected;
- 7 (4) the names of the individuals who received the specimens in the testing laboratory;

8 and

- 9 (5) the dates the specimens were received.

10 **SECTION 505. GENETIC TESTING RESULTS; REBUTTAL.**

11 (a) Under this [Act], a man is rebuttably identified as the father of a child if the genetic
12 testing complies with this [article] and the results disclose that:

- 13 (1) the man has at least a 99 percent probability of paternity, using a prior probability
14 of 0.50, as calculated by using the combined paternity index obtained in the testing; and
- 15 (2) a combined paternity index of at least 100 to 1.

16 (b) A man identified under subsection (a) as the father of the child may rebut the genetic
17 testing results only by other genetic testing satisfying the requirements of this [article] which:

- 18 (1) excludes the man as a genetic father of the child; or
- 19 (2) identifies another man as the possible father of the child.

20 (c) Except as otherwise provided in Section 510, if more than one man is identified by
21 genetic testing as the possible father of the child, the court shall order them to submit to further
22 genetic testing to identify the genetic father.

23 **SECTION 506. COSTS OF GENETIC TESTING.**

24 (a) Subject to assessment of costs under [Article] 6, the cost of initial genetic testing must
25 be advanced:

- 26 (1) by a support-enforcement agency in a proceeding in which the support-enforcement
27 agency is providing services;
- 28 (2) by the individual who made the request;
- 29 (3) as agreed by the parties; or
- 30 (4) as ordered by the court.

31 (b) In cases in which the cost is advanced by the support-enforcement agency, the agency
32 may seek reimbursement from a man who is rebuttably identified as the father.

33 **SECTION 507. ADDITIONAL GENETIC TESTING.** The court or the support-enforcement
34 agency shall order additional genetic testing upon the request of a party who contests the result of
35 the original testing. If the previous genetic testing identified a man as the father of the child under
36 Section 505, the court or agency may not order additional testing unless the party provides
37 advance payment for the testing.

38 **SECTION 508. GENETIC TESTING WHEN SPECIMENS NOT AVAILABLE.**

39 (a) Subject to subsection (b), if a genetic-testing specimen is not available from a man who
40 may be the father of a child, for good cause and under circumstances the court considers to be just,
41 the court may order the following individuals to submit specimens for genetic testing:

- 42 (1) the parents of the man;
- 43 (2) brothers and sisters of the man;

1 (3) other children of the man and their mothers; and

2 (4) other relatives of the man necessary to complete genetic testing.

3 (b) Issuance of an order under this section requires a finding that a need for genetic testing
4 outweighs the legitimate interests of the individual sought to be tested.

5 **SECTION 509. DECEASED INDIVIDUAL.** For good cause shown, the court may order
6 genetic testing of a deceased individual.

7 **SECTION 510. IDENTICAL BROTHERS.**

8 (a) The court may order genetic testing of a brother of a man identified as the father of a
9 child if the man is commonly believed to have an identical brother and evidence suggests that the
10 brother may be the genetic father of the child.

11 (b) If each brother satisfies the requirements as the identified father of the child under
12 Section 505 without consideration of another identical brother being identified as the father of the
13 child, the court may rely on nongenetic evidence to adjudicate which brother is the father of the
14 child.

15 **SECTION 511. CONFIDENTIALITY OF GENETIC TESTING.**

16 (a) Release of the report of genetic testing for parentage is controlled by [applicable state
17 law].

18 (b) An individual who intentionally releases an identifiable specimen of another individual
19 for any purpose other than that relevant to the proceeding regarding parentage without a court
20 order or the written permission of the individual who furnished the specimen commits a
21 [appropriate level misdemeanor].

22
23
24 **ARTICLE 6**

25 **PROCEEDING TO ADJUDICATE PARENTAGE**

26
27 **PART 1. NATURE OF PROCEEDING**

28 **SECTION 601. PROCEEDING AUTHORIZED**

29 **SECTION 602. STANDING TO MAINTAIN PROCEEDING**

30 **SECTION 603. PARTIES TO PROCEEDING**

31 **SECTION 604. PERSONAL JURISDICTION**

32 **SECTION 605. VENUE**

33 **SECTION 606. NO LIMITATION: CHILD HAVING NO PRESUMED,
34 ACKNOWLEDGED, OR ADJUDICATED FATHER**

35 **SECTION 607. LIMITATION: CHILD HAVING PRESUMED FATHER**

36 **SECTION 608. AUTHORITY TO DENY MOTION FOR GENETIC TESTING**

37 **SECTION 609. LIMITATION: CHILD HAVING ACKNOWLEDGED OR
38 ADJUDICATED FATHER**

39 **SECTION 610. JOINDER OF PROCEEDINGS**

40 **SECTION 611. PROCEEDING BEFORE BIRTH**

41 **SECTION 612. CHILD AS PARTY; REPRESENTATION**

42 **PART 2. SPECIAL RULES FOR PROCEEDING
43 TO ADJUDICATE PARENTAGE**

1 SECTION 621. ADMISSIBILITY OF RESULTS OF GENETIC TESTING; EXPENSES

2 SECTION 622. CONSEQUENCES OF DECLINING GENETIC TESTING

3 SECTION 623. ADMISSION OF PATERNITY AUTHORIZED

4 SECTION 624. TEMPORARY ORDER

5 PART 3. HEARINGS AND ADJUDICATION

6 SECTION 631. RULES FOR ADJUDICATION OF PATERNITY

7 SECTION 632. JURY PROHIBITED

8 SECTION 633. HEARINGS; INSPECTION OF RECORDS

9 SECTION 634. ORDER ON DEFAULT

10 SECTION 635. DISMISSAL FOR WANT OF PROSECUTION

11 SECTION 636. ORDER ADJUDICATING PARENTAGE

12 SECTION 637. BINDING EFFECT OF DETERMINATION OF PARENTAGE

13
14 PART 1

15 NATURE OF PROCEEDING

16
17 **SECTION 601. PROCEEDING AUTHORIZED.** A civil proceeding may be maintained to
18 adjudicate the parentage of a child. The proceeding is governed by the [rules of civil procedure].

19 **SECTION 602. STANDING TO MAINTAIN PROCEEDING.** Subject to [Article] 3 and
20 Sections 607 and 609, a proceeding to adjudicate parentage may be maintained by:

21 (1) the child;

22 (2) the mother of the child;

23 (3) a man whose paternity of the child is to be adjudicated;

24 (4) the support-enforcement agency [or other governmental agency authorized by other
25 law];

26 (5) an authorized adoption agency or licensed child-placing agency; [or]

27 (6) a representative authorized by law to act for an individual who would otherwise be
28 entitled to maintain a proceeding but who is deceased, incapacitated, or a minor [; or

29 (7) an intended parent under [Article] 8].

30 **SECTION 603. PARTIES TO PROCEEDING.** The following individuals must be joined as
31 parties in a proceeding to adjudicate parentage:

32 (1) the mother of the child; and

33 (2) a man whose paternity of the child is to be adjudicated.

34 **SECTION 604. PERSONAL JURISDICTION.**

35 (a) An individual may not be adjudicated to be a parent unless the court has personal
36 jurisdiction over the individual.

37 (b) A court of this State having jurisdiction to adjudicate parentage may exercise personal
38 jurisdiction over a nonresident individual, or the guardian or conservator of the individual, if the
39 conditions prescribed in [Section 201 of the Uniform Interstate Family Support Act] are fulfilled.

40 (c) Lack of jurisdiction over one individual does not preclude the court from making an
41 adjudication of parentage binding on another individual over whom the court has personal
42 jurisdiction.

1 **SECTION 605. VENUE.** Venue for a proceeding to adjudicate parentage is in the [county] of
2 this State in which:

3 (1) the child resides or is found;

4 (2) the [respondent] resides or is found if the child does not reside in this State; or

5 (3) a proceeding for probate or administration of the presumed or alleged father's estate
6 has been commenced.

7 **SECTION 606. NO LIMITATION: CHILD HAVING NO PRESUMED,**
8 **ACKNOWLEDGED, OR ADJUDICATED FATHER.** A proceeding to adjudicate the parentage
9 of a child having no presumed, acknowledged, or adjudicated father may be commenced at any
10 time, even after:

11 (1) the child becomes an adult; or

12 (2) an earlier proceeding to adjudicate paternity has been dismissed based on the
13 application of a statute of limitation then in effect.

14 **SECTION 607. LIMITATION: CHILD HAVING PRESUMED FATHER.**

15 (a) Except as otherwise provided in subsection (b), a proceeding brought by a presumed
16 father, the mother, or another individual to adjudicate the parentage of a child having a presumed
17 father must be commenced not later than two years after the birth of the child.

18 (b) A proceeding seeking to disprove the father-child relationship between a child and the
19 child's presumed father may be maintained at any time if the court determines that:

20 (1) the presumed father and the mother of the child neither cohabited nor engaged in
21 sexual intercourse with each other during the probable time of conception; and

22 (2) the presumed father never openly treated the child as his own.

23 **SECTION 608. AUTHORITY TO DENY MOTION FOR GENETIC TESTING.**

24 (a) In a proceeding to adjudicate parentage under circumstances described in Section 607,
25 the court may deny a motion seeking an order for genetic testing of the mother, the child, and the
26 presumed father if the court determines that:

27 (1) the conduct of the mother or the presumed father estops that party from denying
28 parentage; and

29 (2) it would be inequitable to disprove the father-child relationship between the child
30 and the presumed father.

31 (b) In determining whether to deny a motion seeking an order for genetic testing under
32 this section, the court shall consider the best interest of the child, including the following factors:

33 (1) the length of time between the proceeding to adjudicate parentage and the time that
34 the presumed father was placed on notice that he might not be the genetic father;

35 (2) the length of time during which the presumed father has assumed the role of father
36 of the child;

37 (3) the facts surrounding the presumed father's discovery of his possible nonpaternity;

38 (4) the nature of the relationship between the child and the presumed father;

39 (5) the age of the child;

40 (6) the harm that may result to the child if presumed paternity is successfully
41 disproved;

42 (7) the nature of the relationship between the child and any alleged father;

1 (8) the extent to which the passage of time reduces the chances of establishing the
2 paternity of another man and a child-support obligation in favor of the child; and

3 (9) other factors that may affect the equities arising from the disruption of the father-
4 child relationship between the child and the presumed father or the chance of other harm to the
5 child.

6 (c) In a proceeding involving the application of this section, a minor or incapacitated child
7 must be represented by a guardian ad litem.

8 (d) Denial of a motion seeking an order for genetic testing must be based on clear and
9 convincing evidence.

10 (e) If the court denies a motion seeking an order for genetic testing, it shall issue an order
11 adjudicating the presumed father to be the father of the child.

12 **SECTION 609. LIMITATION: CHILD HAVING ACKNOWLEDGED OR ADJUDICATED**
13 **FATHER.**

14 (a) If a child has an acknowledged father, a signatory to the acknowledgment of paternity
15 or denial of paternity may commence a proceeding seeking to rescind the acknowledgment or
16 denial or challenge the paternity of the child only within the time allowed under Section 307 or
17 308.

18 (b) If a child has an acknowledged father or an adjudicated father, an individual, other
19 than the child, who is neither a signatory to the acknowledgment of paternity nor a party to the
20 adjudication and who seeks an adjudication of paternity of the child must commence a proceeding
21 not later than two years after the effective date of the acknowledgment or adjudication.

22 **SECTION 610. JOINDER OF PROCEEDINGS.**

23 (a) Except as otherwise provided in subsection (b), a proceeding to adjudicate parentage
24 may be joined with a proceeding for adoption, termination of parental rights, child custody or
25 visitation, child support, divorce, annulment, [legal separation or separate maintenance,] probate
26 or administration of an estate, or other appropriate proceeding.

27 (b) A [respondent] may not join a proceeding described in subsection (a) with a proceeding
28 to adjudicate parentage brought under [the Uniform Interstate Family Support Act].

29 **SECTION 611. PROCEEDING BEFORE BIRTH.** A proceeding to determine parentage
30 may be commenced before the birth of the child, but may not be concluded until after the birth of
31 the child. The following actions may be taken before the birth of the child:

32 (1) service of process;

33 (2) discovery; and

34 (3) except as prohibited by Section 502, collection of specimens for genetic testing.

35 **SECTION 612. CHILD AS PARTY; REPRESENTATION.**

36 (a) A minor child is a permissible party, but is not a necessary party to a proceeding under
37 this [article].

38 (b) The court shall appoint an [attorney ad litem] to represent a minor or incapacitated
39 child if the child is a party or the court finds that the interests of the child are not adequately
40 represented.

41
42 **PART 2**

43 **SPECIAL RULES FOR PROCEEDING**

1
2
3 **TO ADJUDICATE PARENTAGE**

4 **SECTION 621. ADMISSIBILITY OF RESULTS OF GENETIC TESTING; EXPENSES.**

5 (a) Except as otherwise provided in subsection (c), a record of a genetic-testing expert is
6 admissible as evidence of the truth of the facts asserted in the report unless a party objects to its
7 admission within [14] days after its receipt by the objecting party and cites specific grounds for
8 exclusion. The admissibility of the report is not affected by whether the testing was performed:

- 9 (1) voluntarily or pursuant to an order of the court or a support-enforcement agency; or
10 (2) before or after the commencement of the proceeding.

11 (b) A party objecting to the results of genetic testing may call one or more genetic-testing
12 experts to testify in person or by telephone, videoconference, deposition, or another method
13 approved by the court. Unless otherwise ordered by the court, the party offering the testimony
14 bears the expense for the expert testifying.

15 (c) If a child has a presumed, acknowledged, or adjudicated father, the results of genetic
16 testing are inadmissible to adjudicate parentage unless performed:

- 17 (1) with the consent of both the mother and the presumed, acknowledged, or
18 adjudicated father; or
19 (2) pursuant to an order of the court under Section 502.

20 (d) Copies of bills for genetic testing and for prenatal and postnatal health care for the
21 mother and child which are furnished to the adverse party not less than 10 days before the date of
22 a hearing are admissible to establish:

- 23 (1) the amount of the charges billed; and
24 (2) that the charges were reasonable, necessary, and customary.

25 **SECTION 622. CONSEQUENCES OF DECLINING GENETIC TESTING.**

26 (a) An order for genetic testing is enforceable by contempt.

27 (b) If an individual whose paternity is being determined declines to submit to genetic
28 testing ordered by the court, the court for that reason may adjudicate parentage contrary to the
29 position of that individual.

30 (c) Genetic testing of the mother of a child is not a condition precedent to testing the child
31 and a man whose paternity is being determined. If the mother is unavailable or declines to submit
32 to genetic testing, the court may order the testing of the child and every man whose paternity is
33 being adjudicated.

34 **SECTION 623. ADMISSION OF PATERNITY AUTHORIZED.**

35 (a) A [respondent] in a proceeding to adjudicate parentage may admit to the paternity of a
36 child by filing a pleading to that effect or by admitting paternity under penalty of perjury when
37 making an appearance or during a hearing.

38 (b) If the court finds that the admission of paternity satisfies the requirements of this
39 section and finds that there is no reason to question the admission, the court shall issue an order
40 adjudicating the child to be the child of the man admitting paternity.

41 **SECTION 624. TEMPORARY ORDER.**

42 (a) In a proceeding under this [article], the court shall issue a temporary order for support
43 of a child if the order is appropriate and the individual ordered to pay support is:

- (1) a presumed father of the child;

- (2) petitioning to have his paternity adjudicated;
- (3) identified as the father through genetic testing under Section 505;
- (4) an alleged father who has declined to submit to genetic testing;
- (5) shown by clear and convincing evidence to be the father of the child; or
- (6) the mother of the child.

(b) A temporary order may include provisions for custody and visitation as provided by other law of this State.

PART 3
HEARINGS AND ADJUDICATION

SECTION 631. RULES FOR ADJUDICATION OF PATERNITY. The court shall apply the following rules to adjudicate the paternity of a child:

(1) The paternity of a child having a presumed, acknowledged, or adjudicated father may be disproved only by admissible results of genetic testing excluding that man as the father of the child or identifying another man as the father of the child.

(2) Unless the results of genetic testing are admitted to rebut other results of genetic testing, a man identified as the father of a child under Section 505 must be adjudicated the father of the child.

(3) If the court finds that genetic testing under Section 505 neither identifies nor excludes a man as the father of a child, the court may not dismiss the proceeding. In that event, the results of genetic testing, and other evidence, are admissible to adjudicate the issue of paternity.

(4) Unless the results of genetic testing are admitted to rebut other results of genetic testing, a man excluded as the father of a child by genetic testing must be adjudicated not to be the father of the child.

SECTION 632. JURY PROHIBITED. The court, without a jury, shall adjudicate paternity of a child.

SECTION 633. HEARINGS; INSPECTION OF RECORDS.

(a) On request of a party and for good cause shown, the court may close a proceeding under this [article].

(b) A final order in a proceeding under this [article] is available for public inspection. Other papers and records are available only with the consent of the parties or on order of the court for good cause.

SECTION 634. ORDER ON DEFAULT. The court shall issue an order adjudicating the paternity of a man who:

- (1) after service of process, is in default; and
- (2) is found by the court to be the father of a child.

SECTION 635. DISMISSAL FOR WANT OF PROSECUTION. The court may issue an order dismissing a proceeding commenced under this [Act] for want of prosecution only without prejudice. An order of dismissal for want of prosecution purportedly with prejudice is void and has only the effect of a dismissal without prejudice.

1 **SECTION 636. ORDER ADJUDICATING PARENTAGE.**

2 (a) The court shall issue an order adjudicating whether a man alleged or claiming to be the
3 father is the parent of the child.

4 (b) An order adjudicating parentage must identify the child by name and date of birth.

5 (c) Except as otherwise provided in subsection (d), the court may assess filing fees,
6 reasonable attorney’s fees, fees for genetic testing, other costs, and necessary travel and other
7 reasonable expenses incurred in a proceeding under this [article]. The court may award attorney’s
8 fees, which may be paid directly to the attorney, who may enforce the order in the attorney’s own
9 name.

10 (d) The court may not assess fees, costs, or expenses against the support-enforcement
11 agency of this State or another State, except as provided by other law.

12 (e) On request of a party and for good cause shown, the court may order that the name of
13 the child be changed.

14 (f) If the order of the court is at variance with the child’s birth certificate, the court shall
15 order [agency maintaining birth records] to issue an amended birth registration.

16 **SECTION 637. BINDING EFFECT OF DETERMINATION OF PARENTAGE.**

17 (a) Except as otherwise provided in subsection (b), a determination of parentage is binding
18 on:

19 (1) all signatories to an acknowledgement or denial of paternity as provided in [Article]
20 3; and

21 (2) all parties to an adjudication by a court acting under circumstances that satisfy the
22 jurisdictional requirements of [Section 201 of the Uniform Interstate Family Support Act].

23 (b) A child is not bound by a determination of parentage under this [Act] unless:

24 (1) the determination was based on an unrescinded acknowledgment of paternity and
25 the acknowledgement is consistent with the results of genetic testing;

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

28 (3) the child was a party or was represented in the proceeding determining parentage
29 by an [attorney ad litem].

30 (c) In a proceeding to dissolve a marriage, the court is deemed to have made an
31 adjudication of the parentage of a child if the court acts under circumstances that satisfy the
32 jurisdictional requirements of [Section 201 of the Uniform Interstate Family Support Act], and the
33 final order:

34 (1) expressly identifies a child as a “child of the marriage,” “issue of the marriage,” or
35 similar words indicating that the husband is the father of the child; or

36 (2) provides for support of the child by the husband unless paternity is specifically
37 disclaimed in the order.

38 (d) Except as otherwise provided in subsection (b), a determination of parentage may be a
39 defense in a subsequent proceeding seeking to adjudicate parentage by an individual who was not
40 a party to the earlier proceeding.

41 (e) A party to an adjudication of paternity may challenge the adjudication only under law
42 of this State relating to appeal, vacation of judgments, or other judicial review.

43

1
2
3
4
5
6
7
8
9
10
11
12

ARTICLE 7
CHILD OF ASSISTED REPRODUCTION

13 SECTION 701. SCOPE OF ARTICLE

14 SECTION 702. PARENTAL STATUS OF DONOR

15 SECTION 703. HUSBAND'S PATERNITY OF CHILD OF ASSISTED REPRODUCTION

16 SECTION 704. CONSENT TO ASSISTED REPRODUCTION

17 SECTION 705. LIMITATION ON HUSBAND'S DISPUTE OF PATERNITY

18 SECTION 706. EFFECT OF DISSOLUTION OF MARRIAGE

19 SECTION 707. PARENTAL STATUS OF DECEASED SPOUSE

20
21
22
23
24
25
26
27
28

SECTION 701. SCOPE OF ARTICLE. This [article] does not apply to the birth of a child conceived by means of sexual intercourse [, or as the result of a gestational agreement as provided in [Article] 8].

29
30
31
32
33
34
35
36

SECTION 702. PARENTAL STATUS OF DONOR. A donor is not a parent of a child conceived by means of assisted reproduction.

37
38
39
40
41
42
43

SECTION 703. HUSBAND'S PATERNITY OF CHILD OF ASSISTED REPRODUCTION. If a husband provides sperm for, or consents to, assisted reproduction by his wife as provided in Section 704, he is the father of a resulting child.

SECTION 704. CONSENT TO ASSISTED REPRODUCTION.

(a) Consent by a married woman to assisted reproduction must be in a record signed by the woman and her husband. This requirement does not apply to the donation of eggs by a married woman for assisted reproduction by another woman.

(b) Failure of the husband to sign a consent required by subsection (a), before or after birth of the child, does not preclude a finding that the husband is the father of a child born to his wife if the wife and husband openly treated the child as their own.

SECTION 705. LIMITATION ON HUSBAND'S DISPUTE OF PATERNITY.

(a) Except as otherwise provided in subsection (b), the husband of a wife who gives birth to a child by means of assisted reproduction may not challenge his paternity of the child unless:

(1) within two years after learning of the birth of the child he commences a proceeding to adjudicate his paternity; and

(2) the court finds that he did not consent to the assisted reproduction, before or after birth of the child.

(b) A proceeding to adjudicate paternity may be maintained at any time if the court determines that:

(1) the husband did not provide sperm for, or before or after the birth of the child consent to, assisted reproduction by his wife;

(2) the husband and the mother of the child have not cohabited since the probable time of assisted reproduction; and

(3) the husband never openly treated the child as his own.

(c) The limitation provided in this section applies to a marriage declared invalid after assisted reproduction.

1 (f) A gestational agreement may not limit the right of the gestational mother to make
2 decisions to safeguard her health or that of the embryos or fetus.

3 **SECTION 802. REQUIREMENTS OF PETITION.**

4 (a) The intended parents and the prospective gestational mother may commence a
5 proceeding in the [appropriate court] to validate a gestational agreement.

6 (b) A proceeding to validate a gestational agreement may not be maintained unless:

7 (1) the mother or the intended parents have been residents of this State for at least 90
8 days;

9 (2) the prospective gestational mother's husband, if she is married, is joined in the
10 proceeding; and

11 (3) a copy of the gestational agreement is attached to the [petition].

12 **SECTION 803. HEARING TO VALIDATE GESTATIONAL AGREEMENT.**

13 (a) If the requirements of subsection (b) are satisfied, a court may issue an order validating
14 the gestational agreement and declaring that the intended parents will be the parents of a child
15 born during the term of the of the agreement.

16 (b) The court may issue an order under subsection (a) only on finding that:

17 (1) the residence requirements of Section 802 have been satisfied and the parties have
18 submitted to the jurisdiction of the court under the jurisdictional standards of this [Act];

19 (2) medical evidence shows that the intended mother is unable to bear a child or is
20 unable to do so without unreasonable risk to her physical or mental health or to the unborn child;

21 (3) unless waived by the court, the [relevant child-welfare agency] has made a home
22 study of the intended parents and the intended parents meet the standards of fitness applicable to
23 adoptive parents;

24 (4) all parties have voluntarily entered into the agreement and understand its terms;

25 (5) the prospective gestational mother has had at least one pregnancy and delivery and
26 her bearing another child will not pose an unreasonable health risk to the unborn child or to the
27 physical or mental health of the prospective gestational mother;

28 (6) adequate provision has been made for all reasonable health-care expense associated
29 with the gestational agreement until the birth of the child, including responsibility for those
30 expenses if the agreement is terminated; and

31 (7) the consideration, if any, paid to the prospective gestational mother is reasonable.

32 (c) Whether to validate a gestational agreement is within the discretion of the court,
33 subject to review only for abuse of discretion.

34 **SECTION 804. INSPECTION OF RECORDS.** The proceedings, records, and identities of
35 the individual parties to a gestational agreement under this [article] are subject to inspection
36 under the standards of confidentiality applicable to adoptions as provided under other law of this
37 State.

38 **SECTION 805. EXCLUSIVE, CONTINUING JURISDICTION.** Subject to the
39 jurisdictional standards of [Section 201 of the Uniform Child Custody Jurisdiction and
40 Enforcement Act], the court conducting a proceeding under this [article] has exclusive, continuing
41 jurisdiction of all matters arising out of the gestational agreement until a child born to the
42 gestational mother during the period governed by the agreement attains the age of 180 days.

1 **SECTION 806. TERMINATION OF GESTATIONAL AGREEMENT.**

2 (a) After issuance of an order under this [article], but before the prospective gestational
3 mother becomes pregnant by means of assisted reproduction, the prospective gestational mother,
4 her husband, or either of the intended parents may terminate the gestational agreement by giving
5 written notice of termination to all other parties.

6 (b) The court for good cause shown may terminate the gestational agreement.

7 (c) An individual who terminates a gestational agreement shall file notice of the
8 termination with the court. On receipt of the notice, the court shall vacate the order issued under
9 this [article]. An individual who does not notify the court of the termination of the agreement is
10 subject to appropriate sanctions.

11 (d) Neither a prospective gestational mother nor her husband, if any, is liable to the
12 intended parents for terminating a gestational agreement pursuant to this section.

13 **SECTION 807. PARENTAGE UNDER VALIDATED GESTATIONAL AGREEMENT.**

14 (a) Upon birth of a child to a gestational mother, the intended parents shall file notice with
15 the court that a child has been born to the gestational mother within 300 days after assisted
16 reproduction. Thereupon, the court shall issue an order:

17 (1) confirming that the intended parents are the parents of the child ;

18 (2) if necessary, ordering that the child be surrendered to the intended parents; and

19 (3) directing the [agency maintaining birth records] to issue a birth certificate naming
20 the intended parents as parents of the child.

21 (b) If the parentage of a child born to a gestational mother is alleged not to be the result of
22 assisted reproduction, the court shall order genetic testing to determine the parentage of the child.

23 **SECTION 808. GESTATIONAL AGREEMENT: EFFECT OF SUBSEQUENT**
24 **MARRIAGE.**

25 After the issuance of an order under this [article], subsequent marriage of the gestational
26 mother does not affect the validity of a gestational agreement, her husband's consent to the
27 agreement is not required, and her husband is not a presumed father of the resulting child.

28 **SECTION 809. EFFECT OF NONVALIDATED GESTATIONAL AGREEMENT.**

29 (a) A gestational agreement, whether in a record or not, that is not judicially validated is
30 not enforceable.

31 (b) If a birth results under a gestational agreement that is not judicially validated as
32 provided in this [article], the parent-child relationship is determined as provided in [Article] 2.

33 (c) Individuals who are parties to a nonvalidated gestational agreement as intended
34 parents may be held liable for support of the resulting child, even if the agreement is otherwise
35 unenforceable. The liability under this subsection includes assessing all expenses and fees as
36 provided in Section 636.]

37
38
39 **ARTICLE 9**
40 **MISCELLANEOUS PROVISIONS**

1 **SECTION 901. UNIFORMITY OF APPLICATION AND CONSTRUCTION.** In applying
2 and construing this Uniform Act, consideration must be given to the need to promote uniformity of
3 the law with respect to its subject matter among States that enact it.

4 **SECTION 902. SEVERABILITY CLAUSE.** If any provision of this [Act] or its application to
5 an individual or circumstance is held invalid, the invalidity does not affect other provisions or
6 applications of this [Act] which can be given effect without the invalid provision or application, and
7 to this end the provisions of this [Act] are severable.

8 **SECTION 903. TIME OF TAKING EFFECT.** This [Act] takes effect on _____.

9 **SECTION 904. REPEAL.** The following acts and parts of acts are repealed:

10 (1) [Uniform Act on Paternity, 1960]

11 (2) [Uniform Parentage Act, 1973]

12 (3) [Uniform Putative and Unknown Fathers Act, 1988]

13 (4) [Uniform Status of Children of Assisted Conception Act, 1988]

14 (5) [other inconsistent statutes]

15 **SECTION 905. TRANSITIONAL PROVISION.** A proceeding to adjudicate parentage which
16 was commenced before the effective date of this [Act] is governed by the law in effect at the time
17 the proceeding was commenced.