

**2017 UNIFORM PARENTAGE ACT  
COMPARISON CHART/CHANGES TO ARTICLES 6-10**

*Explanatory Note*

On June 10, 2016 the Executive Committee approved the presentation of the 2017 UPA in a “hybrid” amendment/revision form. In the official draft, the changes to Articles 1-5 are presented in amendment form, with strike and underscore. By contrast, for greater clarity and readability, the changes to Articles 6-10 are presented in revision form, without strike and underscore.

The following document illustrates what has been changed in Articles 6-10.

- Changes to **Articles 6, 7, and former Article 9/new Article 10** are presented below in a side-by-side comparison with the 2002 UPA. All changes are indicated in strike and underscore.
- As discussed in more detail in the cover memo, although **Article 6** of the 2017 UPA is substantively similar to Article 6 of the 2002 UPA, it has been substantially reorganized to improve its flow and clarity.<sup>1</sup> As a result, presenting Article 6 in amendment form in the draft Act would be misleading, as it would make it appear that much more had been changed than is the case. This chart shows a comparison of the comparable provisions and indicates where provisions have been moved.
- For the reasons detailed in the cover memo, the **Article 8** of the 2017 UPA (surrogacy) was drafted from scratch. As a result, Article 8 of the 2017 UPA does not track Article 8 of the 2002 UPA. Accordingly, this document does not include a side-by-side comparison. Instead, this document simply includes the full text of Article 8 of the 2002 UPA.
- **Article 9** of the 2017 UPA is entirely new; there is no corresponding content in the 2002 UPA. Accordingly Article 9 is not included in this document.

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**ARTICLE 6**

<b>FORMER SECTION (2002 UPA)</b>	<b>CURRENT SECTION ([2017] UPA)</b>
<b>SECTION 601. PROCEEDING AUTHORIZED.</b> A civil proceeding may be maintained to adjudicate the parentage of a child. The proceeding is governed by the [rules of civil procedure].	<b>SECTION 601. PROCEEDING AUTHORIZED.</b> A civil proceeding may be maintained to adjudicate the parentage of a child. The proceeding is governed by the [rules of civil procedure].
<b>SECTION 602. STANDING TO MAINTAIN PROCEEDING.</b>	<b>SECTION 602. STANDING TO MAINTAIN PROCEEDING.</b> <u>[(a) Proceedings to adjudicate the parentage of children born pursuant to an enforceable surrogacy agreement are governed by [Article] 8.]</u>

<sup>1</sup> As noted in the cover memo, Article 6 of the 2002 UPA moved back and forth between substantive and procedural rules, and included related concepts in multiple sections. For example, in the 2002 UPA, substantive rules governing the establishment of parentage of men who are or who are alleged to be the child’s genetic parent were contained in the following Sections: Section 622; Section 623; Section 631; and Section 634. The 2017 UPA brings these scattered provisions into a single section – new Section 611. Likewise, rules governing the assessment and allocation of expenses related to genetic testing were included in multiple sections in different parts of Article 6 (specifically in Section 621 and Section 636). The 2017 UPA combines these provisions into a single section – new Section 620.

<p>Subject to [Article] 3 and Sections 607 and 609, a proceeding to adjudicate parentage may be maintained by:</p> <ul style="list-style-type: none"> <li>(1) the child;</li> <li>(2) the mother of the child;</li>   <li>(3) a man whose paternity of the child is to be adjudicated;</li> <li>(4) the support-enforcement agency [or other governmental agency authorized by other law];</li> <li>(5) an authorized adoption agency or licensed child-placing agency; [or]</li> <li>(6) a representative authorized by law to act for an individual who would otherwise be entitled to maintain a proceeding but who is deceased, incapacitated, or a minor [, or]</li> <li>(7) an intended parent under [Article] 8.</li> </ul>	<p>(a) (b) [Except as otherwise provided in subsection (a), ]<u>Subjeet subject</u> to [Article] 3 and Sections 607 and <del>609</del> <ins>608</ins>, a proceeding to adjudicate parentage may be maintained by:</p> <ul style="list-style-type: none"> <li>(1) the child;</li> <li>(2) the <u>mother of woman who gave birth to the child unless her parental rights have been terminated[ or she is a surrogate under [Article] 8]</u>;</li> <li>(3) <u>an individual who is a parent under this act</u>;</li> <li>(3) (4) <u>a man an individual whose paternity parentage</u> of the child is to be adjudicated;</li> <li>(4) (5) <u>the support-enforcement agency [or other governmental agency authorized by other law]</u>;</li> <li>(5) (6) <u>an authorized adoption agency or licensed child-placing agency; [or]</u></li> <li>(6) (7) <u>a representative authorized by law to act for an individual who would otherwise be entitled to maintain a proceeding but who is deceased, incapacitated, or a minor [, or]</u></li> <li>(7) <u>an intended parent under [Article] 8</u>.</li> </ul>
<p><b>SECTION 603. PARTIES TO PROCEEDING.</b> The following individuals must be joined as parties in a proceeding to adjudicate parentage:</p> <ul style="list-style-type: none"> <li>(1) the mother of the child; and</li> <li>(2) a man whose paternity of the child is to be adjudicated.</li> </ul>	<p><b>SECTION 603. PARTIES TO PROCEEDING.</b> [(a) <u>Proceedings to adjudicate the parentage of a child born pursuant to an enforceable surrogacy agreement are governed by [Article] 8.</u>] (b) [Except as provided in subsection (a).] <u>The the</u> following individuals must be <u>provided notice of</u> and <u>must be joined as parties in a proceeding to</u> adjudicate parentage:</p> <ul style="list-style-type: none"> <li>(1) the <u>mother of the child woman who gave birth unless her parental rights have been terminated[ or she is a surrogate under [Article] 8]</u>; and</li> <li>(2) <u>an individual who is a parent under this act</u>;</li> <li>(3) <u>any presumed, acknowledged, or adjudicated parents</u>; and</li> <li>(2) (4) <u>a man an individual whose paternity parentage</u> of the child is to be adjudicated.</li> <li>(c) <u>If an individual who is required to be joined under subsection (b) cannot be joined, the action must proceed among the existing parties.</u></li> </ul>
<p><b>SECTION 604. PERSONAL JURISDICTION.</b></p> <ul style="list-style-type: none"> <li>(a) An individual may not be adjudicated to be a parent unless the court has personal jurisdiction over the individual.</li> <li>(b) A court of this State having jurisdiction to adjudicate parentage may exercise personal jurisdiction over a nonresident individual, or the guardian or conservator of the individual, if the conditions prescribed in [Section 201 of the Uniform Interstate Family Support Act] are fulfilled.</li> </ul>	<p><b>SECTION 604. PERSONAL JURISDICTION.</b></p> <ul style="list-style-type: none"> <li>(a) An individual may not be adjudicated to be a parent unless the court has personal jurisdiction over the individual.</li> <li>(b) A court of this <u>State state</u> having jurisdiction to adjudicate parentage may exercise personal jurisdiction over a nonresident individual, or the guardian or conservator of the individual, if the conditions prescribed in [Section 201 of the Uniform Interstate Family Support Act] are fulfilled.</li> </ul>

<p>(c) Lack of jurisdiction over one individual does not preclude the court from making an adjudication of parentage binding on another individual over whom the court has personal jurisdiction.</p>	<p>(c) Lack of jurisdiction over one individual does not preclude the court from making an adjudication of parentage binding on another individual over whom the court has personal jurisdiction.</p>
<p><b>SECTION 605. VENUE.</b></p> <p>Venue for a proceeding to adjudicate parentage is in the [county] of this State in which:</p> <p>(1) the child resides or is found;</p> <p>(2) the [respondent] resides or is found if the child does not reside in this State; or</p> <p>(3) a proceeding for probate or administration of the presumed or alleged father's estate has been commenced.</p>	<p><b>SECTION 605. VENUE.</b></p> <p>Venue for a proceeding to adjudicate parentage is in the [county] of this <del>State</del> state in which:</p> <p>(1) the child resides or is found;</p> <p>(2) the [respondent] resides or is found if the child does not reside in this <del>State</del> state; or</p> <p>(3) a proceeding for probate or administration of the presumed <del>parent</del> or alleged father's estate has been commenced.</p>
<p><b>SECTION 606. NO LIMITATION: CHILD HAVING NO PRESUMED, ACKNOWLEDGED, OR ADJUDICATED FATHER.</b></p> <p>A proceeding to adjudicate the parentage of a child having no presumed, acknowledged, or adjudicated father may be commenced at any time, even after:</p> <p>(1) the child becomes an adult, but only if the child initiates the proceeding; or</p> <p>(2) an earlier proceeding to adjudicate paternity has been dismissed based on the application of a statute of limitation then in effect.</p>	<p><b>SECTION 606. NO <u>STATUTE OF LIMITATION</u>: CHILD HAVING NO PRESUMED, ACKNOWLEDGED, OR ADJUDICATED FATHER <u>PARENT OTHER THAN THE WOMAN WHO GAVE BIRTH</u>.</b></p> <p>A proceeding to adjudicate the parentage of a child having no presumed, acknowledged, or adjudicated <del>father parent other than the woman who gave birth</del> may be commenced at any time; <u>Such a proceeding may be commenced</u> even after:</p> <p>(1) the child becomes an adult, but only if the child initiates the proceeding; <del>or</del></p> <p>(2) <del>an earlier proceeding to adjudicate paternity has been dismissed based on the application of a statute of limitation then in effect.</del></p>
<p><b>SECTION 607. LIMITATION: CHILD HAVING PRESUMED FATHER.</b></p> <p>(a) Except as otherwise provided in subsection (b), a proceeding brought by a presumed father, the mother, or another individual to adjudicate the parentage of a child having a presumed father must be commenced not later than two years after the birth of the child.</p> <p>(b) A proceeding seeking to disprove the father-child relationship between a child and the child's presumed father may be maintained at any time if the court determines that:</p> <p>(1) the presumed father and the mother of the child neither cohabited nor engaged in sexual intercourse with each other during the probable time of conception; and</p> <p>(2) the presumed father never openly held out the child as his own.</p>	<p><b>SECTION 607. <u>STATUTE OF LIMITATION</u>: CHILD HAVING PRESUMED FATHER <u>PARENT</u>.</b></p> <p>(a) Except as otherwise provided in subsection (b), a proceeding <del>brought by a presumed father, the mother, or another individual to adjudicate the parentage of a child having a presumed father to challenge a presumed parent's parentage</del> must be commenced not later than two years after the birth of the child.</p> <p>(b) A proceeding <del>seeking to disprove to challenge the fatherparent-child relationship between a child and the child's presumed father parent</del> may be maintained at any time if the court determines that:</p> <p>(1) the presumed <del>father parent</del> and the <del>mother of woman who gave birth to the child neither cohabited nor engaged in sexual intercourse with each other did not cohabit</del> during the probable time of conception; and</p> <p>(2) the presumed <del>father parent</del> never <del>resided with the child and never</del> openly held out the child as his or her own.</p>

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

(a) In a proceeding to adjudicate the parentage of a child having a presumed father or to challenge the paternity of a child having an acknowledged father, the court may deny a motion seeking an order for genetic testing of the mother, the child, and the presumed or acknowledged father if the court determines that:

- (1) the conduct of the mother or the presumed or acknowledged father estops that party from denying parentage; and
- (2) it would be inequitable to disprove the father-child relationship between the child and the presumed or acknowledged father.

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

- (1) the length of time between the proceeding to adjudicate parentage and the time that the presumed or acknowledged father was placed on notice that he might not be the genetic father;
- (2) the length of time during which the presumed or acknowledged father has assumed the role of father of the child;
- (3) the facts surrounding the presumed or acknowledged father's discovery of his possible nonpaternity;
- (4) the nature of the relationship between the child and the presumed or acknowledged father;
- (5) the age of the child;
- (6) the harm that may result to the child if presumed or acknowledged paternity is successfully disproved;
- (7) the nature of the relationship between the child and any alleged father;
- (8) the extent to which the passage of time reduces the chances of establishing the paternity of another man and a child-support obligation in favor of the child; and
- (9) other factors that may affect the equities arising from the disruption of the father-child relationship between the child and the presumed or acknowledged father or the chance of other harm to the child.

**SECTION 502. AUTHORITY TO ORDER FOR OR TO DENY GENETIC TESTING.**

...

(g) In a proceeding to adjudicate the parentage of a child having a presumed father parent or to challenge the paternity of a child having an acknowledged father an acknowledgement of paternity under Section 310, the a court may deny a motion seeking an order for genetic testing of the mother, the child, and or the presumed parent or acknowledged father based on the consideration of the factors listed in Section 612, as well as the extent to which the passage of time reduces the changes of establishing the parentage of another person and a child-support obligation in favor of the child. Denial of a motion seeking an order for genetic testing must be based on clear and convincing evidence. if the court determines that:

- (1) the conduct of the mother or the presumed or acknowledged father estops that party from denying parentage; and
- (2) it would be inequitable to disprove the father-child relationship between the child and the presumed or acknowledged father.

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

- (1) the length of time between the proceeding to adjudicate parentage and the time that the presumed or acknowledged father was placed on notice that he might not be the genetic father;
- (2) the length of time during which the presumed or acknowledged father has assumed the role of father of the child;
- (3) the facts surrounding the presumed or acknowledged father's discovery of his possible nonpaternity;
- (4) the nature of the relationship between the child and the presumed or acknowledged father;
- (5) the age of the child;
- (6) the harm that may result to the child if presumed or acknowledged paternity is successfully disproved;
- (7) the nature of the relationship between the child and any alleged father;
- (8) the extent to which the passage of time reduces the chances of establishing the paternity of another man and a child support obligation in favor of the child; and
- (9) other factors that may affect the equities arising

	<p>from the disruption of the father child relationship between the child and the presumed or acknowledged father or the chance of other harm to the child.</p> <p><b>[NOTE: the factors listed in new Section 612 are similar to the factors in former Section 608]</b></p>
<b>SECTION 609. LIMITATION: CHILD HAVING ACKNOWLEDGED OR ADJUDICATED FATHER.</b>	<p><b>SECTION 608. STATUTE OF LIMITATION: CHILD HAVING ACKNOWLEDGED FATHER OR ADJUDICATED FATHER PARENT.</b></p> <p>(a) If a child has an acknowledged father, a signatory to the acknowledgment of paternity or denial of paternity may commence a proceeding seeking to rescind the acknowledgement or denial or challenge the paternity of the child only within the time allowed under Section 307 or 308.</p> <p>(b) If a child has an acknowledged father or an adjudicated father, an individual, other than the child, who is neither a signatory to the acknowledgment of paternity nor a party to the adjudication and who seeks an adjudication of paternity of the child must commence a proceeding not later than two years after the effective date of the acknowledgment or adjudication.</p> <p>(c) A proceeding under this section is subject to the application of the principles of estoppel established in Section 608.</p>
<b>SECTION 610. JOINDER OF PROCEEDINGS.</b>	<p><b>SECTION 610 614. JOINDER OF PROCEEDINGS.</b></p> <p>(a) Except as otherwise provided in subsection (b), a proceeding to adjudicate parentage may be joined with a proceeding for adoption, termination of parental rights, child custody or visitation, child support, divorce, annulment, [legal separation or separate maintenance,] probate or administration of an estate, or other appropriate proceeding.</p> <p>(b) A [respondent] may not join a proceeding described in subsection (a) with a proceeding to adjudicate parentage brought under [the Uniform Interstate Family Support Act].</p>
<b>SECTION 611. PROCEEDING BEFORE BIRTH.</b>	<p><b>SECTION 611 615. PROCEEDING BEFORE BIRTH.</b></p> <p>[Except as otherwise provided in Section 809 with regard to surrogacy,] A a proceeding to determine</p>

<p>commenced before the birth of the child, but may not be concluded until after the birth of the child. The following actions may be taken before the birth of the child:</p> <ul style="list-style-type: none"> <li>(1) service of process;</li> <li>(2) discovery; and</li> <li>(3) except as prohibited by Section 502, collection of specimens for genetic testing.</li> </ul>	<p>parentage may be commenced before the birth of the child, but may not be concluded until after the birth of the child. The following actions may be taken before the birth of the child:</p> <ul style="list-style-type: none"> <li>(1) service of process;</li> <li>(2) discovery; and</li> <li>(3) except as prohibited by Section 502, collection of specimens for genetic testing.</li> </ul>
<p><b>SECTION 612. CHILD AS PARTY; REPRESENTATION.</b></p> <p>(a) A minor child is a permissible party, but is not a necessary party to a proceeding under this [article].</p> <p>(b) The court shall appoint an [attorney ad litem] to represent a minor or incapacitated child if the child is a party or the court finds that the interests of the child are not adequately represented.</p>	<p><b>SECTION 612 616. CHILD AS PARTY; REPRESENTATION.</b></p> <p>(a) A minor child is a permissible party, but is not a necessary party to a proceeding under this [article].</p> <p>(b) The court shall appoint an [attorney, <u>guardian</u> ad litem, <u>or similar personnel</u>] to represent a minor or incapacitated child if the child is a party or the court finds that the interests of the child are not adequately represented.</p>
<p><b>The 2002 UPA does not include Sections 613-620</b></p>	
<p><b>SECTION 621. ADMISSIBILITY OF RESULTS OF GENETIC TESTING; EXPENSES.</b></p> <p>(a) Except as otherwise provided in subsection (c), a record of a genetic-testing expert is admissible as evidence of the truth of the facts asserted in the report unless a party objects to its admission within [14] days after its receipt by the objecting party and cites specific grounds for exclusion. The admissibility of the report is not affected by whether the testing was performed:</p> <ul style="list-style-type: none"> <li>(1) voluntarily or pursuant to an order of the court or a support-enforcement agency; or</li> <li>(2) before or after the commencement of the proceeding.</li> </ul> <p>(b) A party objecting to the results of genetic testing may call one or more genetic-testing experts to testify in person or by telephone, videoconference, deposition, or another method approved by the court. Unless otherwise ordered by the court, the party offering the testimony bears the expense for the expert testifying.</p> <p>(c) If a child has a presumed, acknowledged, or adjudicated father, the results of genetic testing are inadmissible to adjudicate parentage unless performed:</p> <ul style="list-style-type: none"> <li>(1) with the consent of both the mother and the presumed, acknowledged, or adjudicated father; or</li> <li>(2) pursuant to an order of the court under Section 502.</li> </ul> <p>(d) Copies of bills for genetic testing and for prenatal and postnatal health care for the mother and child which are furnished to the adverse party</p>	<p><b>SECTION 621 609. GENERAL RULES REGARDING ADMISSIBILITY OF RESULTS OF GENETIC TESTING; EXPENSES.</b></p> <p>(a) Except as otherwise provided in subsection (c), a record of a genetic-testing expert is admissible as evidence of the truth of the facts asserted in the report unless a party objects to its admission within [14] days after its receipt by the objecting party and cites specific grounds for exclusion. The admissibility of the report is not affected by whether the testing was performed:</p> <ul style="list-style-type: none"> <li>(1) voluntarily or pursuant to an order of the court or a support-enforcement agency; or</li> <li>(2) before or after the commencement of the proceeding.</li> </ul> <p>(b) A party objecting to the results of genetic testing may call one or more genetic-testing experts to testify in person or by telephone, videoconference, deposition, or another method approved by the court. Unless otherwise ordered by the court, the party offering the testimony bears the expense for the expert testifying.</p> <p>(e) <del>If a child has a presumed, acknowledged, or adjudicated father, the results of genetic testing are inadmissible to adjudicate parentage unless performed:</del></p> <ul style="list-style-type: none"> <li>(1) <del>with the consent of both the mother and the presumed, acknowledged, or adjudicated father; or</del></li> <li>(2) <del>pursuant to an order of the court under Section 502.</del></li> </ul> <p>(d) <del>Copies of bills for genetic testing and for prenatal and postnatal health care for the mother and child which are furnished to the adverse party</del></p>

<p>not less than 10 days before the date of a hearing are admissible to establish:</p> <p>(1) the amount of the charges billed; and</p> <p>(2) that the charges were reasonable, necessary, and customary.</p>	<p><del>not less than 10 days before the date of a hearing are admissible to establish:</del></p> <p><del>(1) the amount of the charges billed; and</del></p> <p><del>(2) that the charges were reasonable, necessary, and customary.</del></p> <p><u>(c) Genetic testing is not admissible for the purpose of:</u></p> <p><u>(1) disestablishing the parentage of an individual who is a parent under [Article] 7 [or [Article] 8]; or</u></p> <p><u>(2) establishing the parentage of an individual who is a donor.</u></p> <p><b>[NOTES:</b></p> <ul style="list-style-type: none"> <li>-Former 621(c): The relevance of the results of genetic testing in cases where a child has a presumed parent is addressed in new Section 612.</li> <li>-Former 621(d): Subsection (d) addressing expenses has been moved into new Section 620/former Section 636, which also addresses expenses related to genetic testing.]</li> </ul>
<p><b>SECTION 622. CONSEQUENCES OF DECLINING GENETIC TESTING.</b></p> <p>(a) An order for genetic testing is enforceable by contempt.</p> <p>(b) If an individual whose paternity is being determined declines to submit to genetic testing ordered by the court, the court for that reason may adjudicate parentage contrary to the position of that individual.</p> <p>(c) Genetic testing of the mother of a child is not a condition precedent to testing the child and a man whose paternity is being determined. If the mother is unavailable or declines to submit to genetic testing, the court may order the testing of the child and every man whose paternity is being adjudicated.</p>	<p><b>SECTION 502. AUTHORITY TO ORDER FOR OR TO DENY GENETIC TESTING.</b></p> <p>...</p> <p><del>(a)</del> (f) An order for genetic testing is enforceable by contempt.</p> <p><b>SECTION 622 611. CONSEQUENCES OF DECLINING GENETIC TESTING ADJUDICATING PARENTAGE OF A CHILD WITH NO PRESUMED PARENT.</b></p> <p>...</p> <p><del>(b)</del> (2) If <del>an</del> the individual whose <del>paternity</del> <del>genetic parentage</del> is being determined declines to submit to genetic testing ordered by the court, the court <del>for that reason</del> may adjudicate parentage contrary to the position of that individual.</p> <p><b>SECTION 502. AUTHORITY TO ORDER FOR OR TO DENY GENETIC TESTING.</b></p> <p><del>(e)</del> (e) Genetic testing of the <del>mother of a child</del> <del>woman who gave birth</del> is not a condition precedent to testing the child and <del>a</del><del>man</del> <del>the individual</del> whose <del>genetic</del> paternity is being determined. If the <del>mother</del> <del>woman who gave birth</del> is unavailable or declines to submit to genetic testing, the court may order the testing of the child and every <del>man</del> <del>individual</del> whose genetic paternity is being adjudicated.</p>
<p><b>SECTION 623. ADMISSION OF PATERNITY AUTHORIZED.</b></p>	<p><b>SECTION 623 611(1)(B). ADMISSION OF PATERNITY AUTHORIZED</b></p>

	<b><u>ADJUDICATING PARENTAGE OF A CHILD WITH NO PRESUMED PARENT.</u></b>
(a) A [respondent] in a proceeding to adjudicate parentage may admit to the paternity of a child by filing a pleading to that effect or by admitting paternity under penalty of perjury when making an appearance or during a hearing.	... <del>(a) A [respondent] in a proceeding to adjudicate parentage may admit to the paternity of a child (1) The court shall issue an order declaring the individual to be the child's parent if: ... (B) the individual admits parent by filing a pleading to that effect or by admitting paternity parentage under penalty of perjury when making an appearance or during a hearing-</del> <del>(b) If the court finds that the admission of paternity satisfies the requirements of this section and the court finds that there is no reason to question the admission, the court shall issue an order adjudicating the child to be the child of the man admitting paternity.</del>
(b) If the court finds that the admission of paternity satisfies the requirements of this section and finds that there is no reason to question the admission, the court shall issue an order adjudicating the child to be the child of the man admitting paternity.	
<b>SECTION 624. TEMPORARY ORDER.</b> (a) In a proceeding under this [article], the court shall issue a temporary order for support 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.	<b>SECTION 624 613. TEMPORARY ORDER.</b> (a) In a proceeding under this [article], the court shall issue a temporary order for support of a child if the order is appropriate and the individual ordered to pay support is: (1) a presumed father parent of the child; (2) petitioning to have his or her paternity parentage adjudicated; (3) identified as the genetic 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 parent of the child; or (6) the mother of the child woman who gave birth to the child, unless her parental rights have been terminated[ or she is a surrogate under [Article] 8]; or (7) a parent to the child under this act. (b) A temporary order may include provisions for custody and visitation as provided by other law of this State state.
<b>The 2002 UPA does not include Sections 625-630</b> <b>SECTION 631. RULES FOR ADJUDICATION OF PATERNITY.</b>  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	<b>SECTION 631 611. RULES FOR ADJUDICATION OF PATERNITY</b> <b><u>ADJUDICATING PARENTAGE OF A CHILD WITH NO PRESUMED PARENT.</u></b> 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

<p>child.</p> <p>(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.</p>	<p><u>child.</u>  <u>The following rules apply in a proceeding to adjudicate the parentage of an individual who is alleged to be a child's genetic parent and who is not a donor, where the child has no presumed, acknowledged, or adjudicated parent and no parent under [Article] 7 [or [Article] 8], other than the woman who gave birth.</u></p> <p>(1) The court shall issue an order declaring the individual to be the child's parent if:</p> <p>(A) the individual is <u>(2) Unless the results of genetic testing are admitted to rebut other results of genetic testing, a man identified as the father genetic parent of a the child under Section 505 and that identification is not successfully challenged under Section 505;...</u></p>
<p>(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.</p> <p>(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.</p>	<p><u>(3) (4) If the court finds that genetic testing under Section 505 neither identifies nor excludes a man the individual as the father genetic parent of a the 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.</u></p> <p><u>(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.</u></p>
<p><b>SECTION 632. JURY PROHIBITED.</b> The court, without a jury, shall adjudicate paternity of a child.</p>	<p><b>SECTION 632 617. JURY PROHIBITED.</b> The court, without a jury, shall adjudicate <u>paternity</u> parentage of a child.</p>
<p><b>SECTION 633. HEARINGS; INSPECTION OF RECORDS.</b></p> <p>(a) On request of a party and for good cause shown, the court may close a proceeding under this [article].</p> <p>(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.</p>	<p><b>SECTION 633 619. HEARINGS; INSPECTION OF RECORDS.</b></p> <p>(a) On request of a party and for good cause shown, the court may close a proceeding under this [article].</p> <p>(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.</p>
<p><b>SECTION 634. ORDER ON DEFAULT.</b></p> <p>The court shall issue an order adjudicating the paternity of a man who:</p> <p>(1) after service of process, is in default; and</p> <p>(2) is found by the court to be the father of a child.</p>	<p><b>SECTION 634 611(3). ORDER ON DEFAULT ADJUDICATING PARENTAGE OF A CHILD WITH NO PRESUMED PARENT.</b></p> <p>(3) If the individual whose genetic parentage is being determined is in default after service of process and is found by the court to be the parent of the child. The the court shall issue an order adjudicating the paternity of a man who: individual to be the child's parent.</p> <p>(1) after service of process, is in default; and</p>

	(2) is found by the court to be the father of a child.
<b>SECTION 635. DISMISSAL FOR WANT OF PROSECUTION.</b>	<b>SECTION 635 619. DISMISSAL FOR WANT OF PROSECUTION.</b> 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.
<b>SECTION 636. ORDER ADJUDICATING PARENTAGE.</b>  (a) The court shall issue an order adjudicating whether a man alleged or claiming to be the father is the parent of the child. (b) An order adjudicating parentage must identify the child by name and date of birth.  (c) Except as otherwise provided in subsection (d), the court may assess filing fees, reasonable attorney's fees, fees for genetic testing, other costs, and necessary travel and other reasonable expenses incurred in a proceeding under this [article]. The court may award attorney's fees, which may be paid directly to the attorney, who may enforce the order in the attorney's own name. (d) The court may not assess fees, costs, or expenses against the support-enforcement agency of this State or another State, except as provided by other law.  (e) On request of a party and for good cause shown, the court may order that the name of the child be changed. (f) If the order of the court is at variance with the child's birth certificate, the court shall order [agency maintaining birth records] to issue an amended birth registration.	<b>SECTION 636 620. ORDER ADJUDICATING PARENTAGE.</b>  (a) The court shall issue an order adjudicating whether a man alleged or claiming to be the father is the parent of the child. (b) (a) An order adjudicating parentage must identify the child by <del>name and date of birth</del> means provided by the law of [this state]. (c) (b) Except as otherwise provided in subsection (d), the court may assess filing fees, reasonable attorney's fees, fees for genetic testing, other costs, and necessary travel and other reasonable expenses incurred in a proceeding under this [article]. The court may award attorney's fees, which may be paid directly to the attorney, who may enforce the order in the attorney's own name. (d) (c) The court may not assess fees, costs, or expenses against the support-enforcement agency of this <del>State</del> <ins>state</ins> or another <del>State</del> <ins>state</ins> , except as provided by other law. (d) Copies of bills for genetic testing and for prenatal and postnatal health care for the mother and child which are furnished to the adverse party not less than 10 days before the date of a hearing are admissible to establish: (1) the amount of the charges billed; and (2) that the charges were reasonable, necessary, and customary. (e) On request of a party and for good cause shown, the court may order that the name of the child be changed. (f) If the order of the court is at variance with the child's birth certificate, the court shall order [agency maintaining birth records] to issue an amended birth registration. <b>NOTE: The content of new Section 620(d) is taken from former Section 621(c). The content fits better here, with other issues related to costs and expenses.</b>
<b>SECTION 637. BINDING EFFECT OF DETERMINATION OF PARENTAGE.</b>  (a) Except as otherwise provided in subsection (b),	<b>SECTION 637 621. BINDING EFFECT OF DETERMINATION OF PARENTAGE.</b>  (a) Except as otherwise provided in subsection (b),

<p>a determination of parentage is binding on:</p> <p>(1) all signatories to an acknowledgement or denial of paternity as provided in [Article] 3; and</p> <p>(2) all parties to an adjudication by a court acting under circumstances that satisfy the jurisdictional requirements of [Section 201 of the Uniform Interstate Family Support Act].</p> <p>(b) A child is not bound by a determination of parentage under this [Act] unless:</p> <p>(1) the determination was based on an unrescinded acknowledgment of paternity and the acknowledgement is consistent with the results of genetic testing;</p> <p>(2) the adjudication of parentage was based on a finding consistent with the results of genetic testing and the consistency is declared in the determination or is otherwise shown; or</p> <p>(3) the child was a party or was represented in the proceeding determining parentage by an [attorney ad litem].</p> <p>(c) In a proceeding to dissolve a marriage, the court is deemed to have made an adjudication of the parentage of a child if the court acts under circumstances that satisfy the jurisdictional requirements of [Section 201 of the Uniform Interstate Family Support Act], and the final order:</p> <p>(1) expressly identifies a child as a “child of the marriage,” “issue of the marriage,” or similar words indicating that the husband is the father of the child; or</p> <p>(2) provides for support of the child by the husband unless paternity is specifically disclaimed in the order.</p> <p>(d) Except as otherwise provided in subsection (b), a determination of parentage may be a defense in a subsequent proceeding seeking to adjudicate parentage by an individual who was not a party to the earlier proceeding.</p> <p>(e) A party to an adjudication of paternity may challenge the adjudication only under law of this State relating to appeal, vacation of judgments, or other judicial review.</p>	<p>a determination of parentage is binding on:</p> <p>(1) all signatories to an acknowledgement of <u>paternity</u> or denial of <u>paternity parentage</u> as provided in [Article] 3; and</p> <p>(2) all parties to an adjudication by a court acting under circumstances that satisfy the jurisdictional requirements of [Section 201 of the Uniform Interstate Family Support Act].</p> <p>(b) A child is not bound by a determination of parentage under this [Act] unless:</p> <p>(1) the determination was based on an unrescinded acknowledgment of paternity and the acknowledgement is consistent with the results of genetic testing;</p> <p>(2) <u>except for determinations of parentage under [Article] 7 [or [Article] 8]</u>, the adjudication of parentage was based on a finding consistent with the results of genetic testing and the consistency is declared in the determination or is otherwise shown; or</p> <p>(3) the child was a party or was represented in the proceeding determining parentage by an <u>[attorney, guardian ad litem, or similar personnel]</u>.</p> <p>(c) In a proceeding to dissolve a marriage, the court is deemed to have made an adjudication of the parentage of a child if the court acts under circumstances that satisfy the jurisdictional requirements of [Section 201 of the Uniform Interstate Family Support Act], and the final order:</p> <p>(1) expressly identifies a child as a “child of the marriage,” “issue of the marriage,” or similar words indicating that <u>the husband is the father both spouses are parents</u> of the child; or</p> <p>(2) provides for support of the child by <u>the husband a spouse</u> unless <u>paternity that spouse's parentage</u> is specifically disclaimed in the order.</p> <p>(d) Except as otherwise provided in subsection (b), a determination of parentage may be a defense in a subsequent proceeding seeking to adjudicate parentage by an individual who was not a party to the earlier proceeding.</p> <p>(e) A party to an adjudication of <u>paternity parentage</u> may challenge the adjudication only under law of this State relating to appeal, vacation of judgments, or other judicial review.</p>
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## ARTICLE 7

<b>FORMER SECTION (2002 UPA)</b>	<b>CURRENT SECTION ([2017] UPA)</b>
<b>SECTION 701. SCOPE OF ARTICLE.</b> 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].	<b>SECTION 701. SCOPE OF ARTICLE.</b> 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].
<b>SECTION 702. PARENTAL STATUS OF DONOR.</b> A donor is not a parent of a child conceived by means of assisted reproduction.	<b>SECTION 702. PARENTAL STATUS OF DONOR.</b> A donor is not a parent of a child conceived by means of assisted reproduction.
<b>SECTION 703. PATERNITY OF CHILD OF ASSISTED REPRODUCTION.</b>  A man who provides sperm for, or consents to, assisted reproduction by a woman as provided in Section 704 with the intent to be the parent of her child, is a parent of the resulting child.	<b>SECTION 703. PATERNITY <u>PARENTAGE</u> OF CHILD OF ASSISTED REPRODUCTION.</b> <del>A man</del> An individual who provides <u>sperm</u> a <u>gamete</u> for, or consents to, assisted reproduction by a woman as provided in Section 704 with the intent to be the parent of <del>her</del> <u>the resulting</u> child, is a parent of the resulting child.
<b>SECTION 704. CONSENT TO ASSISTED REPRODUCTION.</b>  (a) Consent by a woman, and a man who intends to be a parent of a child born to the woman by assisted reproduction must be in a record signed by the woman and the man. This requirement does not apply to a donor.  (b) Failure a man to sign a consent required by subsection (a), before or after birth of the child, does not preclude a finding of paternity if the woman and the man, during the first two years of the child's life resided together in the same household with the child and openly held out the child as their own.	<b>SECTION 704. CONSENT TO ASSISTED REPRODUCTION.</b>  (a) Consent by <del>a</del> <u>the</u> woman <u>giving birth</u> , and <del>a</del> <u>man</u> <u>the individual</u> who intends to be a parent of a child born <del>to the woman by</del> <u>through</u> assisted reproduction must be in a record <del>signed by the woman and the man</del> . This requirement does not apply to a donor.  (b) Failure <del>a man</del> to sign a consent in a record as required by subsection (a), before or after birth of the child, does not preclude a finding of <u>paternity parentage</u> if the woman <u>giving birth</u> and the <del>man</del> <u>individual</u> , during the first two years of the child's life resided together in the same household with the child and openly held out the child as their own. <del>A</del> period of temporary absence is part of the period.
<b>SECTION 705. LIMITATION ON HUSBAND'S DISPUTE OF PATERNITY.</b>  (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	<b>SECTION 705. LIMITATION ON HUSBAND'S SPOUSE'S DISPUTE OF PATERNITY <u>PARENTAGE</u>.</b>  (a) Except as otherwise provided in subsection (b), <u>an individual who, at the time of the child's birth is the husband spouse of a wife</u> <u>the woman</u> <u>who gives</u> <u>gave birth to a child by means of assisted reproduction</u> may not challenge his <u>or her</u> <u>paternity parentage</u> of the child unless:  (1) within two years after learning of the birth of the child <del>he</del> <u>the spouse</u> commences a proceeding to adjudicate his <u>or her</u> <u>paternity parentage</u> ; and  (2) the court finds that <del>he</del> <u>the spouse</u> did not consent to the assisted reproduction, before or after birth of the child.

<p>assisted reproduction, before or after birth of the child.</p> <p>(b) A proceeding to adjudicate paternity may be maintained at any time if the court determines that:</p> <p>(1) the husband did not provide sperm for, or before or after the birth of the child consent to, assisted reproduction by his wife;</p> <p>(2) the husband and the mother of the child have not cohabited since the probable time of assisted reproduction; and</p> <p>(3) the husband never openly held out the child as his own.</p> <p>(c) The limitation provided in this section applies to a marriage declared invalid after assisted reproduction.</p>	<p>(b) A proceeding to adjudicate <del>paternity</del> parentage may be maintained at any time if the court determines that:</p> <p>(1) the <del>husband spouse did not neither</del> provided <del>sperm a gamete for, nor before or after the birth of the child</del> consented to, assisted reproduction by his or her <del>wife spouse</del>;</p> <p>(2) the <del>husband spouse</del> and the <del>mother of woman who gave birth to</del> the child have not cohabited since the probable time of assisted reproduction; and</p> <p>(3) the <del>husband spouse</del> never openly held out the child as his <del>or her</del> own.</p> <p>(c) The limitation provided in this section applies to a marriage declared invalid after assisted reproduction.</p>
<p><b>SECTION 706. EFFECT OF DISSOLUTION OF MARRIAGE OR WITHDRAWAL OF CONSENT.</b></p> <p>(a) If a marriage is dissolved before placement of eggs, sperm, or embryos, the former spouse is not a parent of the resulting child unless the former spouse consented in a record that if assisted reproduction were to occur after a divorce, the former spouse would be a parent of the child.</p> <p>(b) The consent of a woman or a man to assisted reproduction may be withdrawn by that individual in a record at any time before placement of eggs, sperm, or embryos. An individual who withdraws consent under this section is not a parent of the resulting child.</p>	<p><b>SECTION 706. EFFECT OF DISSOLUTION OF MARRIAGE OR WITHDRAWAL OF CONSENT.</b></p> <p>(a) If a marriage is dissolved before <del>placement transfer</del> of eggs, sperm, or embryos, the former spouse is not a parent of the resulting child unless the former spouse consented in a record that if assisted reproduction were to occur after a divorce, the former spouse would be a parent of the child.</p> <p>(b) The consent of <del>a woman or a man</del> <del>an individual</del> to assisted reproduction <del>under Section 704</del> may be withdrawn by that individual in a record <del>at with notice to the woman giving birth</del> any time before <del>placement transfer</del> of eggs, sperm, or embryos <del>that results in a pregnancy</del>. An individual who withdraws consent under this section is not a parent of the resulting child.</p>
<p><b>SECTION 707. PARENTAL STATUS OF DECEASED INDIVIDUAL.</b></p> <p>If an individual who consented in a record to be a parent by assisted reproduction dies before placement of eggs, sperm, or embryos, the deceased individual is not a parent of the resulting child unless the deceased spouse consented in a record that if assisted reproduction were to occur after death, the deceased individual would be a parent of the child.</p>	<p><b>SECTION 707. PARENTAL STATUS OF DECEASED INDIVIDUAL.</b></p> <p>If an individual who consented in a record to be a parent by assisted reproduction dies before <del>placement transfer</del> of eggs, sperm, or embryos, the deceased individual is not a parent of the resulting child unless the deceased spouse consented in a record that if assisted reproduction were to occur after death, the deceased individual would be a parent of the child.</p>

## Former Article 9/New Article 10

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<b>FORMER SECTION (2002 UPA)</b>	<b>CURRENT SECTION ([2017] UPA)</b>
<b>SECTION 901. UNIFORMITY OF APPLICATION AND CONSTRUCTION.</b> In applying and construing this Uniform Act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among States that enact it.	<b>SECTION 901 <u>1001</u>. UNIFORMITY OF APPLICATION AND CONSTRUCTION.</b> In applying and construing this Uniform Act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among <u>States</u> <u>states</u> that enact it.
<b>SECTION 902. SEVERABILITY CLAUSE.</b>  If any provision of this [Act] or its application to an individual or circumstances is held invalid, the invalidity does not affect other provisions or applications of this [Act] which can be given effect without the invalid provision or application, and to this end the provisions of this [Act] are severable.	<b>SECTION 902 <u>1003</u>. SEVERABILITY CLAUSE.</b>  If any provision of this [ <del>Act</del> <u>act</u> ] or its application to <del>an</del> <u>any</u> individual or circumstances is held invalid, the invalidity does not affect other provisions or applications of this [ <del>Act</del> <u>act</u> ] which can be given effect without the invalid provision or application, and to this end the provisions of this [ <del>Act</del> <u>act</u> ] are severable.
<b>SECTION 903. TIME OF TAKING EFFECT.</b> This [Act] takes effect on _____.	<b>SECTION 903 <u>1005</u>. TIME OF TAKING EFFECT.</b> This [ <del>Act</del> <u>act</u> ] takes effect on _____.
<b>SECTION 904. REPEAL.</b> The following acts and parts of acts are repealed:  (1) [Uniform Act on Paternity, 1960] (2) [Uniform Parentage Act, 1973] (3) [Uniform Putative and Unknown Fathers Act, 1988] (4) [Uniform Status of Children of Assisted Conception Act, 1988] (5) [other inconsistent statutes]	<b>SECTION 904 <u>1004</u>. REPEAL.</b> The following [acts] and parts of [acts] are repealed:  (1) [Uniform Act on Paternity, 1960] (2) [Uniform Parentage Act, 1973] (3) [Uniform Putative and Unknown Fathers Act, 1988] (4) [Uniform Status of Children of Assisted Conception Act, 1988] (5) [ <u>Uniform Parentage Act, 2002</u> ] (5) (6) [other inconsistent statutes]
<b>SECTION 905. TRANSITIONAL PROVISION.</b>  A proceeding to adjudicate parentage which was commenced before the effective date of this [Act] is governed by the law in effect at the time the proceeding was commenced.	<b>SECTION 905 <u>1002</u>. TRANSITIONAL PROVISION.</b>  <u>This [act] applies to all pending A-proceedings to adjudicate parentage which was commenced before the effective date of this [Act] is governed by the law in effect at the time the proceeding was commenced with respect to issues on which a judgment has not been entered.</u>

## Article 8 of the 2002 UPA and Related Definitions

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

- ...  
 (4) "Assisted reproduction" means a method of causing pregnancy other than sexual intercourse. The term includes:  
     (A) intrauterine insemination;  
     (B) donation of eggs;  
     (C) donation of embryos;

- (D) in-vitro fertilization and transfer of embryos; and
- (E) intracytoplasmic sperm injection.

...

- (8) "Donor" means an individual who produces eggs or sperm used for assisted reproduction, whether or not for consideration. The term does not include:
  - (A) a husband who provides sperm, or a wife who provides eggs, to be used for assisted reproduction by the wife;
  - (B) a woman who gives birth to a child by means of assisted reproduction [, except as otherwise provided in [Article] 8]; or
  - (C) a parent under Article 7 [or an intended parent under Article 8].

...

- [((11) "Gestational mother" means an adult woman who gives birth to a child under a gestational agreement.)]

## **ARTICLE 8 GESTATIONAL AGREEMENT**

### **SECTION 801. GESTATIONAL AGREEMENT AUTHORIZED.**

(a) A prospective gestational mother, her husband if she is married, a donor or the donors, and the intended parents may enter into a written agreement providing that:

(1) the prospective gestational mother agrees to pregnancy by means of assisted reproduction;

(2) the prospective gestational mother, her husband if she is married, and the donors relinquish all rights and duties as the parents of a child conceived through assisted reproduction; and

(3) the intended parents become the parents of the child.

(b) The man and the woman who are the intended parents must both be parties to the gestational agreement.

(c) A gestational agreement is enforceable only if validated as provided in Section 803.

(d) A gestational agreement does not apply to the birth of a child conceived by means of sexual intercourse.

(e) A gestational agreement may provide for payment of consideration.

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

### **SECTION 802. REQUIREMENTS OF PETITION.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

and

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

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

(c) If the intended parents fail to file notice required under subsection (a), the gestational mother or the appropriate State agency may file notice with the court that a child has been born to the gestational mother within 300 days after assisted reproduction. Upon proof of a court order issued

pursuant to Section 803 validating the gestational agreement, the court shall order the intended parents are the parents of the child and are financially responsible for the child.

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

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

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

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

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

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