



## Assisted Reproduction and Parental Recognition Laws

No updates required since June 2, 2021

States vary in the extent to which they recognize a non-gestational and/or non-genetic parent as a parent. For example, when a woman consents to have a child with her wife through donor insemination, the non-gestational mother is a legal parent (just as a woman's husband would be a legal parent of a child they have using donor insemination, even though he is not the biological father). In some states, being married is not a requirement for parental recognition for a non-gestational and non-genetic parent. The process of "consenting to insemination" allows parents in some states a way to establish a legal relationship to the child irrespective of the parents' marital status. Note that even if assisted reproduction laws do not exist or apply, other laws may protect married or unmarried parents, depending on the state. This information is not legal advice.

### Alabama

- State recognizes the non-gestational parent as a legal parent if the couple is married, but state lacks clear and direct statute or case law for couples who are not married

### Alaska

- State recognizes the non-gestational parent as a legal parent if the couple is married, but state lacks clear and direct statute or case law for couples who are not married

### Arizona

- State recognizes the non-gestational parent as a legal parent if the couple is married, but state lacks clear and direct statute or case law for couples who are not married

### Arkansas

- State recognizes the non-gestational parent as a legal parent if the couple is married, but state lacks clear and direct statute or case law for couples who are not married

### California

- State recognizes the non-gestational parent as a legal parent regardless of marital status, if non-gestational parent consents to conception using assisted reproduction
- See [AB 960](#) (2015, effective 2016), [NCLR fact sheet](#) (2015), and [Cal. Fam. Code 7613](#)

### Colorado

- State recognizes the non-gestational parent as a legal parent if the couple is married, but state lacks clear and direct statute or case law for couples who are not married

### Connecticut

- State recognizes the non-gestational parent as a legal parent regardless of marital status, if non-gestational parent consents to conception using assisted reproduction
- See [HB6321, "Connecticut Parentage Act"](#) (2021)



#### Delaware

- State recognizes the non-gestational parent as a legal parent regardless of marital status, if non-gestational parent consents to conception using assisted reproduction
- See Delaware Code [Title 13 §§ 8-VII, “Uniform Parentage Act”](#) or [HB 139](#) (2003)

#### District of Columbia

- State recognizes the non-gestational parent as a legal parent regardless of marital status, if non-gestational parent consents to conception using assisted reproduction
- See DC Code [§ 16-909](#)

#### Florida

- State recognizes the non-gestational parent as a legal parent if the couple is married, but state lacks clear and direct statute or case law for couples who are not married

#### Georgia

- State recognizes the non-gestational parent as a legal parent if the couple is married, but state lacks clear and direct statute or case law for couples who are not married

#### Hawai`i

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#### Idaho

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#### Illinois

- State recognizes the non-gestational parent as a legal parent regardless of marital status, if non-gestational parent consents to conception using assisted reproduction
- See [750 Ill. Comp. Stat. Ann. 46/703](#), Illinois Parentage Act (2015, effective 2016)
- See also [In re T.P.S.](#), 978 N.E.2d 1070 (Ill. App. Ct. 2012), and [In re Parentage of M.J.](#), 759 N.E.2d 121 (Ill. App. Ct. 2001)

#### Indiana

- State recognizes the non-gestational parent as a legal parent if the couple is married, but state lacks clear and direct statute or case law for couples who are not married

#### Iowa

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#### Kansas

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#### Kentucky

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#### Louisiana

- State recognizes the non-gestational parent as a legal parent if the couple is married, but state lacks clear and direct statute or case law for couples who are not married

#### Maine

- State recognizes the non-gestational parent as a legal parent regardless of marital status, if non-gestational parent consents to conception using assisted reproduction
- See [MRSA 19-A §1921-1929](#) or [PL 296](#) (2015)

#### Maryland

- State recognizes the non-gestational parent as a legal parent if the couple is married, but state lacks clear and direct statute or case law for couples who are not married

#### Massachusetts

- State recognizes the non-gestational parent as a legal parent regardless of marital status, if non-gestational parent consents to conception using assisted reproduction
- See [MGL c. 209C § 6\(a\)\(4\)](#), clarified by [Partanen v. Gallagher](#), 475 Mass. 632 (2016)

#### Michigan

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#### Minnesota

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#### Mississippi

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#### Missouri

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#### Montana

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#### Nebraska

- State recognizes the non-gestational parent as a legal parent if the couple is married, but state lacks clear and direct statute or case law for couples who are not married

#### Nevada

- State recognizes the non-gestational parent as a legal parent regardless of marital status, if non-gestational parent consents to conception using assisted reproduction
- See [NRSA §126.500 – 126.810](#) or [AB 421](#) (2013)

#### New Hampshire

- State recognizes the non-gestational parent as a legal parent regardless of marital status, if non-gestational parent consents to conception using assisted reproduction
- See [NHRSA § 168-B](#) or [SB 353](#) (2014)

#### New Mexico

- State recognizes the non-gestational parent as a legal parent regardless of marital status, if non-gestational parent consents to conception using assisted reproduction
- See [NMSA § 40-11A](#) or [SB 463](#) (2009, effective 2010)

#### New York

- State recognizes the non-gestational parent as a legal parent regardless of marital status, if non-gestational parent consents to conception using assisted reproduction
- See the [Child-Parent Security Act](#) (2020, passed via inclusion in state budget)

#### North Carolina

- State recognizes the non-gestational parent as a legal parent if the couple is married, but state lacks clear and direct statute or case law for couples who are not married

#### North Dakota

- State recognizes the non-gestational parent as a legal parent regardless of marital status, if non-gestational parent consents to conception using assisted reproduction
- See N.D. Century Code [§14-20 “Uniform Parentage Act”](#)

#### Ohio

- State recognizes the non-gestational parent as a legal parent if the couple is married, but state lacks clear and direct statute or case law for couples who are not married

#### Oklahoma

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#### Oregon

- State recognizes the non-gestational parent as a legal parent if the couple is married, but state lacks clear and direct statute or case law for couples who are not married



#### Pennsylvania

- State recognizes the non-gestational parent as a legal parent if the couple is married, but state lacks clear and direct statute or case law for couples who are not married

#### Rhode Island

- State recognizes the non-gestational parent as a legal parent regardless of marital status, if non-gestational parent consents to conception using assisted reproduction
- See [H 7541](#) (2020) or [§ 15-8.1, the Uniform Parentage Act](#)

#### South Carolina

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#### South Dakota

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#### Tennessee

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#### Texas

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#### Utah

- State recognizes the non-gestational parent as a legal parent if the couple is married, but state lacks clear and direct statute or case law for couples who are not married

#### Vermont

- State recognizes the non-gestational parent as a legal parent regardless of marital status, if non-gestational parent consents to conception using assisted reproduction
- See [H.562](#) (2018)

#### Virginia

- State recognizes the non-gestational parent as a legal parent if the couple is married, but state lacks clear and direct statute or case law for couples who are not married

#### Washington

- State recognizes the non-gestational parent as a legal parent regardless of marital status, if non-gestational parent consents to conception using assisted reproduction
- See [WRCA §26.26A.600-635](#) or [SB 6037](#) (2018)



#### West Virginia

- State recognizes the non-gestational parent as a legal parent if the couple is married, but state lacks clear and direct statute or case law for couples who are not married

#### Wisconsin

- State recognizes the non-gestational parent as a legal parent if the couple is married, but state lacks clear and direct statute or case law for couples who are not married

#### Wyoming

- State recognizes the non-gestational parent as a legal parent regardless of marital status, if non-gestational parent consents to conception using assisted reproduction
- See [Wyo. Stat. Ann. § 14-2-901 – 14-2-907](#) or [SF 0029](#) (2003)

### U.S. Territories

#### American Samoa

- There is a process to establish parenthood for children born to [unmarried couples](#).

#### Guam

- There is a strong [presumption of parenthood](#) linked to marriage.

#### Northern Mariana Islands

- Parental presumption is linked to marriage, however, there is a process to establish parenthood for children born to [unmarried couples](#).

#### Puerto Rico

- There is presumption of parentage for married couples and a process through which to [establish parentage for unmarried couples](#)

#### U.S. Virgin Islands

- There is a process for [establishing parentage](#) for a child born to an unmarried couple.