**Section 500.25 Gestational Surrogacy Births**

a) A process for establishing a parent-child relationship between a child and his or her intended parent or parents when the child is being carried by a gestational surrogate shall be completed prior to the birth of the child in accordance with Section 12 of the Vital Records Act, Section 6 of the Illinois Parentage Act of 1984, and the Gestational Surrogacy Act.

b) At least one of the intended parents/co-parents must be the biological parent (egg or sperm donor) of the child being carried by the gestational surrogate.

c) The name or names of the intended parent or parents, irrespective of gender or marital/civil union status, shall be entered on the child's birth record so long as the intended parent is a party to, or both intended parents are parties to, an otherwise lawful gestational surrogacy contract.

d) The names of the gestational surrogate and the gestational surrogate's husband/civil union partner, if any, are not placed on the child's birth certificate.

e) All parties and spouses/partners involved in the surrogate arrangement must sign certified statements consenting to the establishment of the child's parentage (see Appendix J).

f) *A physician licensed to practice medicine in all its branches in the State of Illinois* must sign a certified statement *that the child being carried by the gestational surrogate is the child of the intended* parent/co-parent or parents/co-parents *and that neither the gestational surrogate nor the gestational surrogate's husband*/civil union partner*, if any, is a biological parent of the child being carried by the gestational surrogate.* (Section 6(a) of the Illinois Parentage Act of 1984)

g) *The attorneys* representing *the intended* parent/co-parent or parents/co-parents *and the gestational surrogate* and her husband/civil union partner, if any, must each sign a separate certified statement *that the parties* have signed *a gestational surrogacy contract and that this contract satisfies the requirements of Section 25 of the Gestational Surrogacy Act.* (Section 6(a) of the Illinois Parentage Act of 1984)

h) The certified statements must be on forms prescribed by the Department and executed prior to the birth of the child (see Appendix J).

i) The certified statement must be witnessed by two competent adults age 18 or older who are not the parties and spouses/civil union partners involved in the surrogate arrangement.

j) The original certified statements, not photocopies, must be delivered to the director of medical records in the hospital of planned delivery prior to the birth of the child. These original statements are to be *placed in the medical record of the gestational surrogate.* (Section 6(a) of the Illinois Parentage Act of 1984)

k) If a surrogate birth occurs in an Illinois hospital other than the hospital planned for the delivery, the person preparing the birth certificate must be advised of the existence of the surrogate parentage statements. The birth record preparer should immediately contact the Department's Division of Vital Records, or the hospital where the birth was planned, for a copy of the surrogate parentage statements and also request that the original surrogate parentage statements be forwarded to the delivering hospital for inclusion in its medical records files.

l) A photocopy of all of the certified statements shall be filed, at no charge, with the Department's Division of Vital Records prior to the birth of the child at the following address:

Illinois Department of Public Health

Division of Vital Records

925 East Ridgely Ave.

Springfield IL 62702-2737

m) The Gestational Surrogacy Act does not apply if the gestational surrogate delivers the child outside of Illinois.

(Source: Added at 37 Ill. Reg. 14983, effective August 28, 2013)