

1 AN ACT concerning family law.

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

4 Section 5. The Frauds Act is amended by changing Section
5 1 as follows:

6 (740 ILCS 80/1) (from Ch. 59, par. 1)

7 Sec. 1. Except as provided in Section 3 of the Illinois
8 Parentage Act in the case of the paternity of a child
9 conceived by artificial insemination, That no action shall be
10 brought, whereby to charge any executor or administrator upon
11 any special promise to answer any debt or damages out of his
12 own estate, or whereby to charge the defendant upon any
13 special promise to answer for the debt, default or
14 miscarriage of another person, or to charge any person upon
15 any agreement made upon consideration of marriage, or upon
16 any agreement that is not to be performed within the space of
17 one year from the making thereof, unless the promise or
18 agreement upon which such action shall be brought, or some
19 memorandum or note thereof, shall be in writing, and signed
20 by the party to be charged therewith, or some other person
21 thereunto by him lawfully authorized.

22 (Source: R.S. 1874, p. 540.)

23 Section 10. The Illinois Parentage Act is amended by
24 changing the title of the Act and Section 3 as follows:

25 (750 ILCS 40/Act Title)

26 An Act to define the legal relationships of a child born
27 to a woman wife and a man husband requesting and consenting
28 to heterologous artificial insemination.

1 (750 ILCS 40/3) (from Ch. 40, par. 1453)

2 Sec. 3. (a) If, under the supervision of a licensed
3 physician and with the consent of the intended father of the
4 child her-husband, a woman wife is inseminated artificially
5 with semen donated by a man other than the intended father
6 not-her-husband, the intended father husband shall be treated
7 in law as if he were the natural father of a child thereby
8 conceived. The intended father's husband's consent (i) shall
9 must be in writing executed and acknowledged by both the
10 intended father husband and the woman wife or (ii) may be
11 inferred from the intended father's conduct evidencing his
12 actual consent to the artificial insemination procedure. If
13 the intended father and the woman execute a written consent
14 to the procedure, the physician who is to perform the
15 technique shall certify their signatures and the date of the
16 insemination, and file the intended father's husband's
17 consent in the medical record where it shall be kept
18 confidential and held by the patient's physician. However,
19 the physician's failure to do so shall not affect the legal
20 relationship between father and child. All papers and records
21 pertaining to the insemination, whether part of the permanent
22 medical record held by the physician or not, are subject to
23 inspection only upon an order of the court for good cause
24 shown.

25 (b) The donor of semen provided to a licensed physician
26 for use in artificial insemination of a woman other than the
27 donor's wife shall be treated in law as if he were not the
28 natural father of a child thereby conceived.

29 (Source: P.A. 83-1026.)