



Assisted Reproduction and Parental Recognition Laws

No updates required since July 22, 2020

States vary in the extent to which they recognize a non-gestational and 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 if the couple is married, but state lacks clear and direct statute or case law for couples who are not married



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

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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

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Iowa

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Kansas

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Kentucky

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Louisiana

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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

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Massachusetts

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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

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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

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Pennsylvania

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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)

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.