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Assisted Reproduction and Parental Recognition

No updates required since May 10, 2018

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.**

California, marital status neutral, gender neutral

Cal. Fam. Code 7613

District of Columbia, marital status neutral, gender neutral

DC Code § 16-909

Delaware, marital status neutral, gendered language

13 Del.C. §§ 8-703, 8-705, 8-102(4).

Illinois. Marital status neutral, gender neutral language

750 Ill. Comp. Stat. Ann. 46/703

In re T.P.S., 978 N.E.2d 1070 (Ill. Ct. App. 2012); In re Parentage of M.J. 203 Ill.2d 526, 787 N.E.2d 144 (Ill. 2003)

Maine. Marital status neutral, gender neutral language

Me. Rev. Stat. tit. 19-A, § 1923

Me. Rev. Stat. tit. 19-A, § 1922

Nevada, marital status neutral, gender neutral

Nev. Rev. Stat. Ann. § 126.670

Nev. Rev. Stat. Ann. § 126.660

Nev. Rev. Stat. Ann. § 126.510

New Hampshire, marital status neutral, gender neutral

N.H. Rev. Stat. Ann. § 168-B:2

N.H. Rev. Stat. Ann. § 168-B:1



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New Mexico, marital status neutral, gender neutral

N.M. Stat. Ann. § 40-11A-702

N.M. Stat. Ann. § 40-11A-102

N.M. Stat. Ann. § 40-11A-703

N.M. Stat. Ann. § 40-11A-704

North Dakota, marital status neutral, gendered language

N.D. Cent. Code Ann. § 14-20-60

N.D. Cent. Code Ann. § 14-20-02

N.D. Cent. Code Ann. § 14-20-61

N.D. Cent. Code Ann. § 14-20-62

Vermont, see [H.562](#) (2018)

Washington, marital status neutral, fully gender neutral

Wash. Rev. Code Ann. § 26.26.011

Wash. Rev. Code Ann. § 26.26.705

Wash. Rev. Code Ann. § 26.26.710

Wash. Rev. Code Ann. § 26.26.715

Wash. Rev. Code Ann. § 26.26.735

Wyoming, marital status neutral, gendered language

Wyo. Stat. Ann. § 14-2-402

Wyo. Stat. Ann. § 14-2-902

Wyo. Stat. Ann. § 14-2-903

Wyo. Stat. Ann. § 14-2-904