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Relationship & Parental Recognition Laws: Assisted Reproduction/Intended Parent Provisions

No updates required since May 18, 2024

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****Please note that this is not legal advice and families are encouraged to reach out to legal experts such as the [LGBTQ Family Law Institute](#) or LGBTQ legal advocacy groups such as [NCLR](#) and [GLAD](#).****

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Background

Hundreds of thousands of children are born each year to families who use assisted reproduction. Generally, “assisted reproduction” refers to conceiving a child without sexual intercourse and can include the use of gametes (egg and sperm) from intended parents or from an egg donor, sperm donor, or both. For example, female same-sex couples may use donor sperm, in vitro fertilization (IVF), and/or a process called “reciprocal IVF” where one partner’s egg is used to create an embryo that is implanted in another partner who carries the pregnancy to term. Transgender people may similarly use assisted reproduction or fertility preservation care prior to receiving prescribed, medically necessary care related to transition.

This document and related Equality Map shows the states in which all intended parents, regardless of marital status, can be recognized as legal parents if they consent to assisted reproduction with the intention of parenting the child. For example, when a woman consents to have a child with her wife through donor insemination, the non-gestational, non-genetic mother is also 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). These laws are often referred to as **assisted reproduction statutes or intended parent provisions**. While most states have statutes specifically governing the parentage of children born through assisted reproduction, most of these statutes only apply to married couples. This document and related Equality Map shows states that have expanded assisted reproduction statutes to apply regardless of the marital status of the intended parents.

Note, this document and related Equality Map do not cover laws related to surrogacy. Note also 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.

Equality Map & Additional Resources

- See our [Equality Map: Assisted Reproduction](#), which is updated and maintained in real time alongside this document.
- See also our [Equality Maps: Parental Recognition Laws](#) for information on other pathways to legal recognition of parentage, and our [Equality Maps: Child Welfare Nondiscrimination Laws](#) for information on whether states’ child welfare (i.e., adoption and foster care) systems specifically prohibit discrimination against LGBTQ parents and/or youth in child welfare. All these resources are updated and maintained in real time.
- See MAP’s June 2023 report, [Relationships at Risk: Why We Need to Update State Parentage Laws to Protect Children and Families](#), for further discussion of the importance of legal recognition of parent-child relationships, the many pathways to legal recognition of parentage, recent examples of modernized parenting laws, and policy recommendations for all states.
- See Courtney Joslin’s chapter “Assisted Reproduction, Excluding Surrogacy” in [Lesbian, Gay, Bisexual and Transgender Family Law](#) (2023).
- Please note that this is not legal advice and families are encouraged to reach out to legal experts such as the [LGBTQ Family Law Institute](#) or LGBTQ legal advocacy groups such as [NCLR](#) and [GLAD](#).



Summary Table

Category	States
States that recognize intended parents as legal parents, regardless of marital status, if they consent to the conception of a child born using assisted reproduction <i>(17 states + D.C.)</i>	California
	Colorado
	Connecticut
	Delaware
	District of Columbia
	Illinois
	Maine
	Maryland
	Michigan
	Nevada
	New Hampshire
	New Mexico
	New York
	North Dakota
	Rhode Island
	Vermont
	Washington
Wyoming	
States that recognize intended parents as legal parents only if they are married, though other pathways to parental recognition may exist <i>(33 states + 5 territories)</i>	All others



State-by-State Sources & More Detail

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 unmarried couples using assisted reproduction

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 unmarried couples using assisted reproduction

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 unmarried couples using assisted reproduction

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 unmarried couples using assisted reproduction

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 regardless of marital status, if non-gestational parent consents to conception using assisted reproduction
- See [HB 1153](#) (2022)

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](#) or [Law 18-33](#) (2008)



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 unmarried couples using assisted reproduction

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 unmarried couples using assisted reproduction

Hawai'i

- 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 unmarried couples using assisted reproduction

Idaho

- 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 unmarried couples using assisted reproduction

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 unmarried couples using assisted reproduction

Iowa

- 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 unmarried couples using assisted reproduction

Kansas

- 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 unmarried couples using assisted reproduction

Kentucky

- 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 unmarried couples using assisted reproduction

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 unmarried couples using assisted reproduction



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 regardless of marital status, if non-gestational parent consents to conception using assisted reproduction
- See [Md. Code Ann., Est. & Trusts §1-206\(b\)\(1\)](#) for married spouses and domestic partners, [§1-208\(b\)\(2\)](#) for unmarried people, and [SB 697](#) (2019)

Massachusetts

- 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 unmarried couples using assisted reproduction

Michigan

- 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 [HB 5207](#) (2024) and the broader Michigan Family Protection Act package

Minnesota

- 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 unmarried couples using assisted reproduction

Mississippi

- 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 unmarried couples using assisted reproduction

Missouri

- 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 unmarried couples using assisted reproduction

Montana

- 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 unmarried couples using assisted reproduction

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 unmarried couples using assisted reproduction

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 Jersey

- 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 unmarried couples using assisted reproduction

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 unmarried couples using assisted reproduction

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”](#), 14-20-62

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 unmarried couples using assisted reproduction

Oklahoma

- 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 unmarried couples using assisted reproduction

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 unmarried couples using assisted reproduction

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 unmarried couples using assisted reproduction



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

- 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 unmarried couples using assisted reproduction

South Dakota

- 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 unmarried couples using assisted reproduction

Tennessee

- 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 unmarried couples using assisted reproduction
- *Note: Tennessee recognizes an intended parent regardless of marital status if and only if the couple used in-vitro fertilization (IVF) (see [Tenn. Code Ann. §36-2-403\(d\)](#) and [Potts v. Potts](#), 2021 WL 2226622 (Tenn. Ct. App. 2021)). If the couple uses any other form of assisted reproduction, the statute only applies to married couples and is written in gendered terms (see [Tenn. Code Ann. §68-3-306](#)).

Texas

- 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 unmarried couples using assisted reproduction

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 unmarried couples using assisted reproduction

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 unmarried couples using assisted reproduction

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 unmarried couples using assisted reproduction

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 unmarried couples using assisted reproduction

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

- Territory recognizes the non-gestational parent as a legal parent if the couple is married, but lacks clear and direct statute or case law for unmarried couples using assisted reproduction

Guam

- Territory recognizes the non-gestational parent as a legal parent if the couple is married, but lacks clear and direct statute or case law for unmarried couples using assisted reproduction

Northern Mariana Islands

- Territory recognizes the non-gestational parent as a legal parent if the couple is married, but lacks clear and direct statute or case law for unmarried couples using assisted reproduction

Puerto Rico

- Territory recognizes the non-gestational parent as a legal parent if the couple is married, but lacks clear and direct statute or case law for unmarried couples using assisted reproduction

U.S. Virgin Islands

- Territory recognizes the non-gestational parent as a legal parent if the couple is married, but lacks clear and direct statute or case law for unmarried couples using assisted reproduction