

2012 -- H 8114

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2012

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A N A C T

RELATING TO DOMESTIC RELATIONS - ADOPTION OF CHILDREN

Introduced By: Representatives O'Neill, Petrarca, Mattiello, Ucci, and Flaherty

Date Introduced: May 02, 2012

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 15-7 of the General Laws entitled "Adoption of Children" is hereby
2 amended by adding thereto the following section:

3 **15-7-5.2. Consent and assisted reproduction - definitions.** – The following terms,
4 wherever used or referred to in chapter 7 of this title, shall have the following respective
5 meanings:

6 (1) "Assisted reproduction" means a method of causing pregnancy through means other
7 than sexual intercourse that includes, but is not limited to:

8 (i) Intrauterine insemination;

9 (ii) Donation of eggs;

10 (iii) Donation of embryos;

11 (iv) In vitro fertilization and transfer of embryos; and

12 (v) Intracytoplasmic sperm injection.

13 (2) "Child" means an individual of any age whose parentage may be determined under
14 this section or other law.

15 (3) "Determination of parentage" means the establishment of the parent-child relationship
16 by the execution of a valid acknowledgment of parentage and adjudication by the court.

17 (4) "Donor" means an individual, other than an intended parent, who produces gametes
18 used for assisted reproduction whether or not for consideration.

19 (5) "Egg" means the female gamete.

1 (6) “Embryo” means the organism resulting from the union of a sperm and an egg.

2 (7) “Embryo transfer” means the placing of a viable embryo into the uterus of a woman.

3 (8) “Gamete” means either a sperm or an egg.

4 (9) “Intended parent” is an individual who manifests the intent to be legally bound as the
5 parent of a child resulting from assisted reproduction.

6 (10) “In vitro fertilization” means the formation of a human embryo outside the human
7 body.

8 (11) “Sperm” means the male gamete.

9 **15-7-5.3. Consent.** – It is not necessary to obtain consent to adopt from an individual
10 who produces gamete(s) used for assisted reproduction. If a gamete was provided under the
11 supervision of a licensed physician or surgeon or to a licensed sperm bank for use in assisted
12 reproduction for an intended parent, other than the donor’s spouse or civilly-unionized partner,
13 then the donor shall be deemed not to be the natural parent of the child thereby conceived. The
14 court may find that the donor has no parental rights and the parental rights of the donor are
15 terminated.

16 **15-7-5.4. Effect of dissolution of marriage or withdrawal of consent.** – (a) If a
17 marriage or civil union as defined in chapter 15-3.1 is dissolved before placement of gametes or
18 embryo(s), a former spouse or civilly-unionized partner shall not be considered a parent of the
19 resulting child, unless the former spouse or civilly-unionized partner consented in a written record
20 that if assisted reproduction were to occur after a marriage or civil union is dissolved by a final
21 judgment or final order, the former spouse or civilly-unionized partner would be a parent of the
22 child.

23 (b) The consent of an individual to assisted reproduction may be withdrawn by the
24 individual in a written record at any time before placement of eggs, sperm or embryos. An
25 individual who withdraws consent under this section is not a parent of the resulting child.

26 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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RELATING TO DOMESTIC RELATIONS - ADOPTION OF CHILDREN

1 This act would address consent to adoption requirements in circumstances involving
2 assisted reproduction, and also the effect a dissolution of a marriage or civil union affects
3 parentage of a child resulting from assisted reproduction.

4 This act would take effect upon passage.

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