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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 sections:

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 act 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; whether married or unmarried, who manifests the
5 intent to be legally bound as the 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 (12) “Licensed facility” means a duly licensed sperm bank, hospital, clinic or fertility
10 center.

11 **15-7-5.3. Consent for child conceived through assisted reproduction.** – (a) The donor
12 of gametes for the purposes of assisted reproduction shall be treated in law as if the donor is not
13 the natural parent of the child thereby conceived and shall have no rights, duties or interests
14 stemming from the conception of the child, unless the donor of male or female gametes entered
15 into a written contract to the contrary with the intended parent(s) prior to the conception of the
16 child.

17 (b) Where an anonymous donor has provided gametes to a licensed physician or surgeon
18 or to a licensed facility for use in assisted reproduction, it shall not be necessary to obtain a
19 donor’s consent to adopt any child conceived thereby.

20 (c) Where the identity of the donor is known to the intended parent(s), and he or she has
21 provided gametes for use in assisted reproduction for an intended parent other than the donor’s
22 spouse or partner in a civil union, it shall not be necessary to obtain the donor’s consent to adopt
23 the child conceived thereby unless the intended parent(s) had entered into a written contract
24 granting the donor parental rights prior to the conception of the child.

25 **15-7-5.4. Effect of termination of marriage or withdrawal of consent.** – (a) If a
26 marriage is terminated, or civil union as defined in chapter 15-3.1 is dissolved, before placement
27 of gametes or embryo(s), a former spouse or partner in a civil union shall not be considered a
28 parent of the child conceived thereby, and it shall not be necessary to obtain his or her consent to
29 adopt the child.

30 (b) The consent of an intended parent to assisted reproduction may be withdrawn by an
31 intended parent in a written record, at any time before placement of eggs, sperm or embryos. Any
32 intended parent who withdraws consent under this section is not a parent of the resulting child
33 and it shall not be necessary to obtain that individual’s consent to adopt.

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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1 This act would address consent to adoption requirements in circumstances involving
2 assisted reproduction, and also the effect, a termination of a marriage or dissolution of a civil
3 union has on the parentage of a child resulting from assisted reproduction.

4 This act would take effect upon passage.

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