

# Legislative Analysis



## ASSISTED REPRODUCTION AND SURROGACY PARENTAGE ACT

Phone: (517) 373-8080  
<http://www.house.mi.gov/hfa>

**House Bill 5207 as introduced**  
**Sponsor: Rep. Samantha Steckloff**

Analysis available at  
<http://www.legislature.mi.gov>

**House Bill 5208 as introduced**  
**Sponsor: Rep. Christine Morse**

**House Bill 5212 as introduced**  
**Sponsor: Rep. Jason Morgan**

**House Bill 5209 as introduced**  
**Sponsor: Rep. Kelly Breen**

**House Bill 5213 as introduced**  
**Sponsor: Rep. Penelope Tsernoglou**

**House Bill 5210 as introduced**  
**Sponsor: Rep. Jason Hoskins**

**House Bill 5214 as introduced**  
**Sponsor: Rep. Laurie Pohutsky**

**House Bill 5211 as introduced**  
**Sponsor: Rep. Jennifer A. Conlin**

**House Bill 5215 as introduced**  
**Sponsor: Rep. Amos O'Neal**

**Committee: Judiciary**  
**Complete to 10-31-23**

### SUMMARY:

**House Bill 5207** would create a new act, the Assisted Reproduction and Surrogacy Parentage Act, and repeal the Surrogate Parenting Act. Part 2 of the new act would apply to the birth of a child by *assisted reproduction not* involving surrogacy, and Part 3 would apply to the birth of a child by assisted reproduction under a *surrogacy agreement*. Part 1 contains general provisions.

*Assisted reproduction* would mean a method of causing pregnancy through means other than by sexual intercourse, including all of the following:

- Intrauterine, intracervical, or vaginal insemination.
- Donation of gametes.
- Donation of embryos.
- In vitro fertilization and embryo transfer.
- Intracytoplasmic sperm injection.
- Assisted reproductive technology.

*Surrogacy agreement* would mean an agreement between one or more *intended parents* and a *surrogate* in which the surrogate agrees to become pregnant by assisted reproduction and that provides that each intended parent is a parent of a child conceived under the agreement. Unless otherwise specified, the term refers to both a gestational surrogacy agreement and a genetic surrogacy agreement.

**Intended parent** would mean an individual, married or unmarried, who manifests an intent to be legally bound as a parent of a child conceived by assisted reproduction (Part 2) or by assisted reproduction under a surrogacy agreement (Part 3).

**Surrogate** would mean an individual who is not an intended parent and who agrees to become pregnant through assisted reproduction under a surrogacy agreement. Surrogate would include a **genetic surrogate** or **gestational surrogate**, as applicable.

**Genetic surrogate** would mean an individual, not an intended parent, who agrees to become pregnant through assisted reproduction using the individual's own gametes.

**Gestational surrogate** would mean an individual, not an intended parent, who agrees to become pregnant through assisted reproduction using gametes that are not the individual's own.

### **Part 1 (General provisions)**

The bill would not apply to the birth of a child conceived by sexual intercourse.

#### Parent-child relationship

Under the bill, a parent-child relationship would be established between an individual and a child if one of the following occurs:

- The individual gives birth to the child (except as provided in Part 3).
- The individual's parentage of a child is established under Part 2.
- The individual's parentage of a child is established under Part 3.

A parent-child relationship established under the bill would apply for all purposes, unless parental rights are terminated.

A **donor** would not be a parent of a child conceived by assisted reproduction.

**Donor** would mean an individual who provides gametes (eggs or sperm) intended for use in assisted reproduction, regardless of whether for compensation. Donor would not include an individual who gives birth to a child conceived by assisted reproduction, except in the case of surrogacy, or an individual who is a parent under the rules governing the parentage of children conceived by assisted reproduction or assisted reproduction under a surrogacy agreement under Parts 2 and 3.

#### Court proceedings

Venue for a proceeding to adjudicate parentage under the bill would be in the county where the child resides, is born, or will be born; where a parent or intended parent resides; or where a proceeding has been commenced for administration of the estate of an individual who is or who may be a parent under the bill.

Upon the request of a party, the court could order the court records in an action under the bills to be sealed to the general public. If the records are ordered sealed, all pleadings, papers, or documents in the court records, including the case history or registry of actions, would not be

available for inspection, unless the court, for good cause shown, orders the inspection or unless requested by the child or a party.

The bill would prohibit the use of genetic testing to challenge the parentage of an individual who is a parent under Part 2 or 3 or to establish the parentage of an individual who is a donor under the bill.

## **Part 2 (Parentage of child by assisted reproduction not involving surrogacy)**

### Consent

The bill would provide that an individual who consents to assisted reproduction with the intent to be a parent of a child conceived by the assisted reproduction is a parent of the child. This consent would have to be either of the following:

- In a record signed before, on, or after the birth of the child by the individual who gave birth to the child and by an individual who intends to be a parent of the child.
- Established through proof by clear and convincing evidence of the existence of an agreement entered into before conception that the individual who gave birth to the child and the individual who intends to be a parent of the child intended that they both would be parents of the child.

Failure to consent as described above would not preclude a court from finding consent to parent if, for the first two years of the child's life, including any period of temporary absence, the individual who gave birth and the presumptive intended parent resided together in the same household with the child and both openly held out the child as their child.

### Adjudication

An individual who is an intended parent or the individual who gave birth to the child could bring a proceeding to adjudicate parentage in the family division of the circuit court. If the court determines the individual is a parent under the bill, the court would have to adjudicate the individual to be a parent of the child.

The individual who gave or will give birth or an individual who is or claims to be a parent under these provisions could commence an action before or after the birth of a child to obtain a judgment to declare that the intended parent or parents are the parent or parents of the resulting child immediately upon birth of the child and order that parental rights and responsibilities vest exclusively in the intended parent or parents immediately upon birth of the child. A certificate of live birth of a child would have to comply with this act and be established as provided under part 28 of the Public Health Code.

Upon request of a party and consistent with other state law, the court in an action under the bill could order the name of the child changed. If the final judgment is at variance with the child's birth certificate, the court would have to order the state registrar to issue an amended birth certificate.

A judgment issued before the birth of the child would not take effect until that birth. This provision would not limit the court's authority to issue other orders under other state law.

The state, the department (not specified), and the hospital where the child is or is expected to be born would not be necessary parties to an action under these provisions.

The burden of proof in an action under these provisions would be by a preponderance of the evidence.

#### Event of death

If an individual who intends to be a parent of a child conceived by assisted reproduction dies between the transfer of a gamete or embryo and the birth of the child, the individual's death would not preclude the establishment of the individual's parentage of the child if the individual otherwise would be a parent of the child under the bill.

If an individual who consented in a record to assisted reproduction by an individual who agreed to give birth to a child dies before a transfer of gametes or embryos, the deceased individual would be a parent of a child conceived by the assisted reproduction only if both of the following apply:

- Either of the following:
  - The individual consented in a record that if assisted reproduction were to occur after the death of the individual, the individual would be a parent of the child.
  - The individual's intent to be a parent of a child conceived by assisted reproduction after the individual's death is established by clear and convincing evidence.
- Either of the following:
  - The transfer occurs not later than 36 months after the individual's death.
  - The child's birth occurs not later than 45 months after the individual's death.

### **Part 3 (Parentage of child born through surrogacy)**

#### Requirements for parties to the agreement

To execute an agreement to act as a surrogate, an individual would have to be at least 21 years old and have previously given birth to a child. Before entering into an agreement, the individual would have to have a complete consultation and evaluation by a physician, and a consultation with a mental health professional, concerning the surrogacy arrangement.

To execute a surrogacy agreement, an intended parent, whether or not genetically related to the child, would have to be at least 21 years old and have had a consultation with a mental health professional.

In addition, both the surrogate and the intended parent would have to have independent legal representation of their choice by an attorney licensed in Michigan throughout the agreement negotiation process, the execution of the agreement, and the duration of the agreement concerning the terms of the surrogacy agreement and the potential legal consequences of the surrogacy agreement. The intended parent or parents would have to pay for the surrogate's independent legal representation.

#### Requirements for agreements

One or more of the following would have to apply to a surrogacy agreement:

- A party is a Michigan resident.

- The birth will occur or is anticipated to occur in Michigan.
- The assisted reproduction performed under the surrogacy agreement will occur in Michigan.

Each intended parent, the surrogate, and the surrogate's spouse, if any, would have to be parties to the agreement, and sign it, with the signature of each attested by a notarial officer.

The surrogacy agreement would have to be executed before a medical procedure occurs related to the agreement (other than the medical and mental health consultations described above).

A surrogacy agreement would have to comply with all of the following requirements:

- The surrogate must agree to attempt to become pregnant by means of assisted reproduction.
- The surrogate's spouse, if any, must acknowledge and agree to comply with the obligations imposed on the surrogate by the agreement.
- The agreement must include information disclosing that the intended parent or parents will cover the agreed-upon expenses of the surrogate, the assisted reproduction expenses, and the medical expenses for the surrogate and the child.
- The agreement must allow the surrogate to make all health and welfare decisions regarding the surrogate and the pregnancy, including whether to consent to a cesarean section or multiple embryo transfer. Any provision in an agreement to the contrary would be void and unenforceable. The bill would not diminish the right of the surrogate under section 28 of Article I of the state constitution.
- The agreement must permit the surrogate to use the services of a health care practitioner of their choosing.
- The agreement must include information about each party's right to terminate the agreement.
- Except as described below, the surrogate and the surrogate's spouse or former spouse, if any, must have no claim to parentage of a child conceived by assisted reproduction under the agreement.
- Except as described below, the agreement must provide that the intended parent or parents, jointly and severally, immediately upon birth, will be the exclusive parent or parents of the child and will assume responsibility for their financial support, regardless of the number of children born or the gender or mental or physical condition of each child.

A surrogacy agreement could provide for payment of compensation, support, and reasonable expenses, for reimbursement of specific agreed-upon expenses if the agreement is terminated, or for both.

A right created under a surrogacy agreement would not be assignable, and there would be no third-party beneficiary of the surrogacy agreement other than the child.

If any of the requirements of Part 3 are not met, a court of competent jurisdiction would have to determine parentage as described below.

### Presumptions concerning subsequent marriages

Unless a surrogacy agreement expressly provides otherwise, both of the following would apply:

- The marriage of a surrogate after the surrogacy agreement is signed by all parties does not affect the validity of the agreement, the spouse's consent to the agreement is not required, and the spouse is not a presumed parent of a child conceived by assisted reproduction under the agreement.
- The dissolution, annulment, or declaration of invalidity of the surrogate's marriage, the legal separation of the surrogate, or a judgment of separate maintenance concerning the surrogate after the surrogacy agreement is signed by all parties does not affect the validity of the agreement.

Unless a surrogacy agreement expressly provides otherwise, both of the following would apply:

- The marriage of an intended parent after the surrogacy agreement is signed by all parties does not affect the validity of a surrogacy agreement, the consent of the spouse is not required, and the spouse is not, based on the agreement, a parent of a child conceived by assisted reproduction under the agreement.
- The dissolution, annulment, or declaration of invalidity of an intended parent's marriage, the legal separation of an intended parent, or a judgment of separate maintenance concerning an intended parent after the agreement is signed by all parties does not affect the validity of the agreement and, except as described below, the intended parent is a parent of the child.

### Termination of an agreement

A party to a surrogacy agreement could terminate it at any time before a gamete or an embryo transfer by giving notice of termination in a record to all other parties.

If a gamete or an embryo transfer does not result in a pregnancy, a party could terminate the agreement at any time before a subsequent gamete or embryo transfer.

Unless the surrogacy agreement provides otherwise, upon termination of the agreement as described above, the parties would be released from the agreement, except that each intended parent would remain responsible for expenses reimbursable under the agreement that were incurred by the surrogate through the date of the agreement's termination.

Unless there is fraud, a party would not be liable to any other party for a penalty or liquidated damages for terminating a surrogacy agreement under these provisions.

### Parentage

Except as described below, upon the birth of a child conceived by assisted reproduction under a surrogacy agreement, each intended parent would be, by operation of law, a parent of the child, and neither a surrogate nor the surrogate's spouse or former spouse, if any, would be a parent of the child.

If a child is alleged to be a genetic child of the individual who agreed to be a gestational surrogate, the court shall order genetic testing of the child. If the child is a genetic child of the

individual who agreed to be a gestational surrogate, parentage must be determined based on law of this state other than this act.

Except as otherwise provided, if, because of a clinical or laboratory error, a child conceived by assisted reproduction under a surrogacy agreement is not genetically related to an intended parent or a donor who donated to the intended parent or parents, each intended parent, and not the surrogate or the surrogate's spouse or former spouse, if any, would be a parent of the child, subject to any other claim of parentage.

A donor would not be a parent of a child conceived by assisted reproduction under a surrogacy agreement.

#### Event of death

The above parentage provisions would apply to an intended parent even if the intended parent died during the period between the transfer of a gamete or embryo and the birth of the child.

Except as described below, an intended parent would not be a parent of a child conceived by assisted reproduction under a surrogacy agreement if the intended parent dies before the transfer of a gamete or embryo unless both of the following apply:

- The surrogacy agreement provides otherwise.
- The transfer of a gamete or embryo occurs not later than 36 months after the death of the intended parent or the birth of the child occurs not later than 45 months after the death of the intended parent.

#### Parentage judgments

Before, on, or after the birth of a child conceived by assisted reproduction under a surrogacy agreement that complies with Part 3, a party to the agreement could commence an action in the family division of the circuit court for entry of a parentage judgment. The requested parentage judgment could be issued before or after the birth as requested by the parties. The surrogate and all intended parents would be necessary parties to the action. The complaint would have to be accompanied by a certification from the attorney representing the intended parent or parents and from the attorney representing the surrogate that the surrogacy agreement complies with the requirements of Part 3 and a statement from all parties to the surrogacy agreement that they knowingly and voluntarily entered into the agreement and that all parties are requesting the judgment of parentage. Upon receipt of the complaint and accompanying certifications, the court, without holding a hearing unless the surrogate challenges the accuracy of the attorney certificates, would have to enter a judgment of parentage that does all of the following, without additional proceedings or documentation:

- Declares that each intended parent is a parent of the child and orders that parental rights and duties vest immediately on the birth of the child exclusively in each intended parent.
- Declares that the surrogate and the surrogate's spouse or former spouse, if any, are not the parents of the child.
- Orders the court records sealed to protect the privacy of the child and the parties.
- If necessary, orders that the child be surrendered to the intended parent or parents.
- Awards other relief the court determines necessary and proper.

The court could issue an order or judgment described above before or after the birth of the child, but would have to stay its enforcement until the birth of the child.

Neither the state nor the department (unspecified) nor the hospital where the child is or is expected to be born would be necessary parties to an action described above.

A certificate of live birth of a child would have to comply with the bill and be established as provided under Part 28 of the Public Health Code.

**Enforceability and breach**

A surrogacy agreement that substantially complies with the requirements for agreements above would be enforceable.

If a child is conceived by assisted reproduction under a surrogacy agreement that does not substantially meet the material requirements of Part 3, a court would have to determine parentage consistent with the intent of the parties, taking into account the best interests of the child. Each party to the surrogacy agreement and any of their spouses at the time the agreement was executed would have standing to maintain an action to adjudicate an issue related to its enforcement.

Except as expressly provided in a surrogacy agreement, if the agreement is breached by the surrogate or one or more intended parents, the nonbreaching party would be entitled to the remedies available at law or in equity. However, the breach of the surrogacy agreement by one or more intended parents would not relieve the intended parent of the support obligations imposed by the parent and child relationship under Part 3.

Specific performance would not be a remedy available for breach of a surrogacy agreement.

**House Bill 5208** would amend the Public Health Code to require the state registrar to establish a new birth certificate for an individual born in Michigan when the registrar receives a judgment or parentage judgment under the Assisted Reproduction and Surrogacy Parentage Act, together with the information necessary to identify the original birth certificate and establish a new one. The new certificate would be substituted for the original, and the evidence of assisted reproduction or surrogacy under the Assisted Reproduction and Surrogacy Parentage Act would not be subject to inspection except upon a court order. If an individual for whom a new birth certificate is to be established does not have a birth certificate on file, a new live birth certificate could be prepared on the delayed birth certificate form in use at the time of the judgment or parentage judgment under the Assisted Reproduction and Surrogacy Parentage Act. The new certificate would be subject to a \$50 fee.

In addition, the act includes provisions concerning a child conceived by a married woman using assisted reproductive technology. The bill would remove these provisions.

MCL 333.2822 et seq.

**House Bill 5209** would amend the Code of Criminal Procedure to remove guidelines for felonies contained in the Surrogate Parenting Act, which House Bill 5207 would repeal.

MCL 777.15g

**House Bill 5210** would amend the Estates and Protected Individuals Code to revise procedures governing intestate succession (inheritance without a will). The act provides that, for purposes of intestate succession, an individual is the child of the individual's natural parents, regardless of the parents' marital status. It provides that the parent and child relationship may be established in any of several listed ways. The bill would add the following to that list:

- A child conceived by assisted reproduction with the consent of an individual consistent with the Assisted Reproduction and Surrogacy Parentage Act is considered the child of the intended parent or parents for purposes of intestate succession.
- A child conceived by assisted reproduction under a surrogacy agreement that complies with the Assisted Reproduction and Surrogacy Parentage Act is considered the child of the intended parent or parents for purposes of intestate succession.

One of the ways to establish the parent and child relationship under the act is through a presumption that both spouses are the natural parents of a child born or conceived during a marriage. The act currently provides that only the individual who is presumed to be the natural parent of a child under this provision may disprove that presumption, and this exclusive right to disprove the presumption ends when they die. The bill would remove this provision and the exclusive right it confers to disprove the presumption that both spouses are the natural parents of a child born or conceived during a marriage.

In addition, the act includes provisions concerning a child conceived by a married woman using assisted reproductive technology. The bill would remove these provisions.

MCL 700.2114

**House Bill 5211** would amend the Paternity Act to provide that the parentage of either of the following must not be determined under the act:

- A child conceived through the use of assisted reproduction that does not involve surrogacy if the parents of the child can be determined under the Assisted Reproduction and Surrogacy Parentage Act.
- A child conceived under a surrogacy agreement that complies with the Assisted Reproduction and Surrogacy Parentage Act.

MCL 722.711 et seq.

**House Bill 5212** would amend the Revocation of Paternity Act, which among other things provides procedures under which acknowledgments, determinations, and judgments related to parentage can be challenged and set aside in certain circumstances. The bill would prohibit bringing an action under the act concerning the parentage of either of the following:<sup>1</sup>

- A child conceived through the use of assisted reproduction that does not involve surrogacy if the parents of the child can be determined under the Assisted Reproduction and Surrogacy Parentage Act.
- A child conceived under a surrogacy agreement that complies with the Assisted Reproduction and Surrogacy Parentage Act.

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<sup>1</sup> This would replace a current provision that says there is no basis under the act for vacating a judgment establishing paternity of a child conceived under a surrogate parentage contract as defined in the Surrogate Parenting Act.

### Genetic testing

The bill would prohibit genetic testing from being used to do either of the following:

- Challenge the parentage of an individual who is a parent under Part 2 or 3 of the Assisted Reproduction and Surrogacy Parentage Act.
- Establish the parentage of an individual who is a donor (as defined in the Assisted Reproduction and Surrogacy Parentage Act).

In addition, the act now allows a court to refuse to enter an order regarding a parentage determination if the court finds evidence that the order would not be in the best interests of the child. The court must state its reasons on the record for refusing to enter an order. The court *may* consider the following factors (revised here to reflect the phrasing of the bill):

- Whether the presumed parent is estopped from denying parentage because of the individual's conduct.
- The length of time the presumed parent was on notice that they might not be the child's genetic father.
- The facts surrounding the presumed parent's discovery that they might not be the child's genetic father.
- The nature of the relationship between the child and the presumed parent or alleged father.
- The child's age.
- The harm that may result to the child.
- Other factors that may affect the equities arising from the disruption of the parent-child relationship.
- Any other factor the court determines appropriate to consider.

The bill would remove the second and third bulleted items from the list above ("The length of time..." and "The facts surrounding..."). In most cases, then, under the bill, those factors would not be specifically identified as factors the court could consider. However, in cases where the challenge to parentage is based on genetic testing, the bill would *require* the court to consider those factors (and the others).

### Other provisions

In the sections of the act that are included in the bill, the bill would generally refer to parents and parentage instead of fathers and paternity. (One mother reference would also be changed.)

MCL 722.1431 et seq.

**House Bill 5213** would amend the Summary Support and Paternity Act to provide that the act cannot be used to determine parentage of either of the following:

- A child conceived through the use of assisted reproduction that does not involve surrogacy if the parents of the child can be determined under the Assisted Reproduction and Surrogacy Parentage Act.
- A child conceived under a surrogacy agreement that complies with the Assisted Reproduction and Surrogacy Parentage Act.

MCL 722.1465

**House Bill 5214** would amend the Acknowledgment of Parentage Act, which provides a process that now allows a man to be considered the natural father of a *child* born out of wedlock by completing an acknowledgment of parentage form that he and the child's mother both sign.

*Child* now means a child conceived and born to a woman who was not married at the time of conception or the child's date of birth or a child that the circuit court determines was born or conceived during a marriage but is not the issue of that marriage.

The bill would provide that an acknowledgment of parentage to establish the parentage of a *child* may be signed by either of the following:

- An unmarried individual who gave birth to the child and an alleged genetic father of the child.
- A married or unmarried individual who gave birth to a child conceived through assisted reproduction and a married or unmarried intended parent of a child conceived through assisted reproduction under the Assisted Reproduction and Surrogacy Parentage Act.

*Child*, under the bill, would mean any of the following

- A child conceived and born to a woman who was not married at the time of conception or the child's date of birth.
- A child the circuit court determines was born or conceived during a marriage but is not the issue of that marriage.
- A child that is born to an individual who gave birth to a child conceived through assisted reproduction.

#### Completed form

The act now provides that a signed acknowledgment of parentage establishes paternity and can be the basis for court-ordered child support, custody, or parenting time without further adjudication under the Paternity Act.

The bill would amend this provision to provide that both of the following apply to an acknowledgment that complies with the act and is filed with the state registrar:

- The acknowledgment establishes parentage, is the equivalent to an adjudication of parentage of the child, and confers on the *acknowledged parent* all rights and duties of a parent.
- The acknowledgment can be the basis for court-ordered child support, custody, or parenting time without further adjudication under the Paternity Act or under the Assisted Reproduction and Surrogacy Parentage Act.

*Acknowledged parent* would mean an individual who has established a parent-child relationship under the act.

#### Initial custody

The act now provides that, after a mother and father sign an acknowledgment of parentage, the mother has initial custody of the minor child, without prejudice to the determination of either parent's custodial rights, until otherwise determined by the court or otherwise agreed upon by the parties in writing and acknowledged by the court.

The bill would amend this provision to provide that after completion of an acknowledgment of parentage signed in accordance with the act is filed with the state registrar, the birth parent has initial custody of the minor child, without prejudice to the determination of either parent's custodial rights, until otherwise determined by the court or otherwise agreed upon by the parties in writing and acknowledged by the court.

#### Other provisions

In the sections of the act that are included in the bill, the bill would generally refer to birth parents instead of mothers and acknowledged parents instead of fathers. Provisions about determining whether a man is the biological father of a child would refer instead to the alleged genetic father.

MCL 722.1002 et seq.

**House Bill 5215** would amend the Genetic Parentage Act to provide that the act cannot be used to determine parentage if the child is either of the following:

- A child conceived through the use of assisted reproduction that does not involve surrogacy if the parents of the child can be determined under the Assisted Reproduction and Surrogacy Parentage Act.
- A child conceived under a surrogacy agreement that complies with the Assisted Reproduction and Surrogacy Parentage Act.

MCL 722.1465

#### Effectiveness provisions

Each bill would take effect 90 days after being enacted. House Bill 5207 cannot take effect unless all of House Bills 5208 to 5215 are enacted, and those bills can only take effect if House Bill 5207 is enacted. House Bill 5210 additionally specifies that House Bill 5212 must be enacted for it to take effect.

### **FISCAL IMPACT:**

**House Bill 5207** would have an indeterminate, but likely minimal, fiscal impact on state expenditures to the Department of Health and Human Services (DHHS) and local units of government. The fiscal impact on local units of government is dependent on the amount in fines that counties collected from individuals who enter surrogacy agreements as prohibited by 1988 PA 199. The fines imposed by 1988 PA 199 for entering a surrogacy agreement range from \$10,000 to \$50,000. House Bill 5207 repeals this act and does not impose any penalties for parents choosing to enter, or not enter, a surrogacy agreement. This may result in a loss in revenue to counties, though the exact amount is indeterminate, but likely minimal.

The bill allows Michigan residents to enter surrogacy agreements which would no longer necessitate the use of the adoption process to adopt to gain custody of a child born to a surrogate. This may create a savings for DHHS as there could be instances where DHHS would not need to pay daily maintenance payments, child placing agency reimbursements and incentives, as well as administrative costs typically associated with the adoption process. The actual amount of potential savings is indeterminate because the number of children born to surrogates that go through the adoption process is unknown at this time.

**House Bill 5208** would have a negligible fiscal impact on state expenditures to DHHS and local units of government. The fiscal impact would be dependent on the number of applications for a new birth certificate that are received using a judgement or parentage judgement under the Assisted Reproduction and Surrogacy Parentage Act as acceptable documentation. Currently, the application fee for a new birth certificate is \$50.

**House Bills 5211, 5213, and 5215** would have an indeterminate, but likely minimal, fiscal impact on fiscal impact on state expenditures to DHHS and local units of government. Under the provisions of the bills, genetic testing to establish parentage and standard adoption proceedings would not apply to children conceived under a surrogacy agreement as established in the Assisted Reproduction and Surrogacy Parentage Act. Additionally, only child support and paternity can be established through a Title IV-D agency for children conceived under a surrogacy agreement. Any fiscal impact would be dependent on the savings resulting from the decrease of genetic testing and child maintenance payments for adoptive parents of children conceived through surrogacy. Additional fiscal impacts would be dependent on the revenue from increased child support payments from eligible parents of children conceived through surrogacy.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.