

## DETERMINING LEGAL PARENTAGE

The last few decades have witnessed dramatic changes affecting the institutions of family and parenthood. If, in the past, the classic family was defined sociologically as a pair of heterosexual parents living together under one roof along with their children, different sociological changes have led to a rapid and extreme transformation in the definitions of family, marital relations, parenthood, and the relationship between parents and children. Dr. Yehezkel Margalit explores whether and to what extent there is room, legally and ethically, for the use of modern contractual devices and doctrines to privately regulate the establishment of legal parentage. This book offers intentional parenthood as the most appropriate and flexible normative doctrine for resolving the dilemmas which have surfaced in the field of determining legal parentage. By using the certainty of contract law, determining the legal status of parenthood will be seen as the best method to sort out ambiguities and assure both parental and children rights.

Yehezkel Margalit is Senior Lecturer of Law at Netanya Academic College and Bar-Ilan University and Visiting Research Scholar at New York University Law School (2011–2012). He is the author of *The Jewish Family: Between Family Law and Contract Law* (Cambridge University Press, 2017).

# Determining Legal Parentage

BETWEEN FAMILY LAW AND CONTRACT LAW

**YEHEZKEL MARGALIT**

Netanya Academic College



**CAMBRIDGE**  
UNIVERSITY PRESS

Cambridge University Press  
978-1-108-43691-5 — Determining Legal Parentage  
Yehezkel Margalit  
Frontmatter  
[More Information](#)

## CAMBRIDGE UNIVERSITY PRESS

University Printing House, Cambridge CB2 8BS, United Kingdom  
One Liberty Plaza, 20th Floor, New York, NY 10006, USA  
477 Williamstown Road, Port Melbourne, VIC 3207, Australia  
314-321, 3rd Floor, Plot 3, Splendor Forum, Jasola District Centre, New Delhi - 110025, India  
103 Penang Road, #05-06/07, Visioncrest Commercial, Singapore 238467

Cambridge University Press is part of the University of Cambridge.

It furthers the University's mission by disseminating knowledge in the pursuit of education, learning and research at the highest international levels of excellence.

[www.cambridge.org](http://www.cambridge.org)

Information on this title: [www.cambridge.org/9781108436915](http://www.cambridge.org/9781108436915)

DOI: 10.1017/9781108525329

© Yehezkel Margalit 2019

This publication is in copyright. Subject to statutory exception and to the provisions of relevant collective licensing agreements, no reproduction of any part may take place without the written permission of Cambridge University Press.

First published 2019

First paperback edition 2022

*A catalogue record for this publication is available from the British Library*

ISBN 978-1-108-42272-7 Hardback

ISBN 978-1-108-43691-5 Paperback

Cambridge University Press has no responsibility for the persistence or accuracy of URLs for external or third-party internet websites referred to in this publication, and does not guarantee that any content on such websites is, or will remain, accurate or appropriate.

## Contents

<i>Preface</i>	<i>page</i> vii
<i>Acknowledgments</i>	ix
<i>Table of Cases</i>	x
<i>Table of Legislation</i>	xvi
<b>Introduction</b>	1
1 <b>The Shift in the Traditional Family Structure, Modern ART, and How They Are Undermining the Accepted Models for Determining Legal Parentage</b>	9
2 <b>An Overview of the Current ART, the Dilemmas They Surface, and the Role of DLPBA in the Positive Law</b>	27
3 <b>Overview of the Objections to DLPBA in the Positive Legal System</b>	71
4 <b>An Overview of the Arguments that Support DLPBA</b>	98
5 <b>Refuting the Objections to DLPBA in the Positive Legal System</b>	127
6 <b>The Theoretical and Practical Infrastructure of DLPBA</b>	143
7 <b>Implementing DLPBA in the Various Scenarios</b>	183
<b>Conclusions</b>	258
<i>Bibliography</i>	261
<i>Index</i>	310

## Preface

This book deals with the nexus of modern contract law and current family law for resolving the various dilemmas that have surfaced in the field of determining legal parentage. The essence of the research explores whether and to what extent there is room, legally and ethically, for the use of modern contractual devices and doctrines to privately regulate the establishment of legal parentage. This book offers intentional parenthood, which I define as determining legal parenthood by agreement (DLPBA), as the most appropriate, flexible, and just normative doctrine for resolving those dilemmas. Although this doctrine is certainly not an academic and judicial innovation, it seems that only recently its centrality, feasibility, and efficacy have been grasped by legislators, judges, scholars, and even laymen as making it best suited to determining legal parentage in the modern era.

This book starts its exploration in Chapter One by looking at the shift in the traditional family structure, modern assisted reproduction technologies (ART), and how they are undermining the accepted models for determining legal parentage. In Chapter Two I provide an overview of the current ART and the dilemmas it surfaces. *Inter alia*, I enumerate the following scenarios: artificial insemination either by husband or by donor; in vitro fertilization (IVF) with or without egg donation and egg sharing; domestic and international surrogacy agreements; same-sex marriage; disposition agreements regarding frozen embryos; and finally multiple parenthood and other futuristic ART. In Chapter Three I elaborate the objections to DLPBA in the positive legal system, and after exploring the arguments in support of DLPBA in Chapter Four, refute those objections one by one in Chapter Five. In Chapter Six I discuss the theoretical and practical infrastructure of DLPBA, and against that background, in Chapter Seven, I return to these challenging scenarios in elaborating the appropriate implementation of my

normative model as the best possible response to the various complicated and problematic dilemmas.

This book summarizes the results of my writings over the last decade in both family law and contract law. The research commenced in 2007 with the writing of my Ph.D. Dissertation entitled: “Determining Legal Parentage by Agreement.” Following that major research project, my thinking has progressively developed in over twenty publications in various law reviews in the United States, to be drawn together in this book.

## Acknowledgments

First and foremost, I am grateful to my Ph.D. dissertation supervisor, Professor Shahar Lifshitz, former Faculty of Law Dean at Bar-Ilan University. Professor Lifshitz is a world-renowned expert in both family and contract law. I warmly thank him for opening the gate for me to the scholarly research of these developing and challenging fields. Professor Shahar Lifshitz has been my mentor throughout.

I accomplished writing this book as faculty and senior lecturer in Netanya Academic College. I am sincerely thankful to the College and to Professor Sinai Deutch, currently Senior Vice President, Director and Dean of the Law School.

Special thanks are due to my colleagues Professor Naomi R. Cahn, Professor I. Glenn Cohen, Professor Shahar Lifshitz, and Professor Douglas NeJaime, who provided me with helpful comments while I was writing this book. I am grateful also to Mr. Ruvik Danieli for his enormous assistance in the linguistic editing of the book.

During the last decade, while writing the book, I spent huge amounts of time at the Law Library at Bar-Ilan University. I am grateful for the help of the library staff. I would like to thank my dear parents, Shlomo and Chana Margalit, and my in-laws, Shmuel and Chana Burkash, who have served as second parents to me, and my children – Shira, Hallel, Yehonatan-Zvi, and Eitan-Reuven – who taught me throughout the years how deep and meaningful the parent–child bond can be. Finally, I want to thank from the depths of my heart my beloved wife Hagit, who over the last few decades has proven to me how enormous and experiential true spousal love can be.

## Table of Cases

- A.A. v. B.B., [2007] 220 O.A.C. 115, P 14 (Can.).  
 A.H.W. v. G.H.B., 772 A.2d 948 (2000).  
 Andres A. v. Judith N., 591 N.Y.S.2d 946 (NY Fam. Ct. 1992).  
 Anonymous v. Anonymous, 246 N.Y.S.2d 835 (Sup. Ct. 1964).  
 Barbara A. v. John G., 193 Cal.Rptr. 422, 429 (Cal.App.1.Dist).  
 Bassett v. Saunders, 835 So.2d 1198 (Fla. Dist. Ct. App. 2002).  
 Beard v. Skipper, 182 Mich. App. 352 (1990).  
 Belsito v. Clark, 644 N.E.2d 760 (Ohio Com. Pl. 1994).  
 Bohn v. Ann Arbor Reprod. Med. Assoc., No. 213550, 1999 WL 33327194  
 (Mich. App. Ct. Dec. 17, 1999).  
 Breit v. Mason, 17 S.E.2d 482 (Va. Ct. App. 2011) *aff'd sub nom.* L.F.  
 v. Breit, 285 Va. 163 (2013).  
 Brooke S.B. v. Elizabeth A.C.C., 61 N.E.3d 488 (N.Y. 2016).  
 Brown v. Gadson, 654 S.E.2d 179 (Ga. Ct. App. 2007).  
 Browne v. D'Alleva, No. FA064004782S, 2007 Conn. Super. LEXIS  
 3250 (Conn. Super. Ct. Dec. 5, 2007).  
 Buck v. Bell, 47 S.Ct. 584 (1927).  
 Budnick v. Silverman, 805 So.2d 1112 (Fla. Dist. Ct. App. 2002).  
 C.A.M. v. R.A.W., 237 N.J. Super. 532 (N.J. Super. A.D. 1990).  
 C.C. v. A.B., 550 N.E.2d 365 (Mass. 1990).  
 C.M. v. C.C., 377 A.2d 821 (N.J. Super. Ct. App. Div. 1977).  
 C.O. v. W.S., 639 N.E.2d 523 (Ohio Ct. Com. Pl. 1994).  
 CA 7414/11 Attorney General v. Anonymous (unpublished, Nov. 29,  
 2011) (Isr.).  
 Caban v. Mohammed, 441 U.S. 380 (1979).  
 Casbar v. Dicanio, 666 So.2d 1028 (Fla.App. 4 Dist. 1996).  
 Chapsky v. Wood, 26 Kan. 650 (Kan. 1881).



- Cleveland Bd. of Educ. v. LaFleur, 414 U.S. 632 (U.S. Ohio 1974).  
 Culliton v. Beth Israel Deaconess Med. Ctr., 756 N.E.2d 1133 (Mass. 2001).  
 D.M.T. v. T.M.H., 129 So. 3d 320 (Fla. 2013).  
 D.W.L. v. M.J.B.C., 601 S.W.2d 475 (Tex. Civ. App. Houston 14th Dist. 1980).  
 Dalzell v. Dueber Watch-Case Mfg. Co., 149 U.S. 315, 325 (1893).  
 Davis v. Davis, 842 S.W.2d 588 (Tenn. 1992).  
 Davis v. Kania, 836 A.2d 480 (Conn. Super. 2003).  
 Deweese v. Reinhard, 165 U.S. 386 (1897).  
 Doe v. Attorney General, 487 N.W.2d 484 (Mich. Ct. App. 1992).  
 Doe v. Doe, 710 A.2d 1297 (Conn. 1998).  
 Doe v. Kelley, 307 N.W.2d 438 (Mich. Ct. App. 1981).  
 Doe v. New York City Bd. of Health, 782 N.Y.S.2d 180 (2004).  
 Doe v. XYZ Co., 914 N.E.2d 117 (Mass. App. Ct. 2009).  
 Dorsey v. English, 283 Md. 522 (1978).  
 Dunkin v. Boskey, 98 Cal.Rptr. 2d 44 (Ct. App. 2000).  
 E.N.O. v. L.M.M., 711 N.E.2d 886 (Mass. 1999).  
 Earl of Chesterfield v. Janssen, 28 Eng. Rep. 82 (Ch. 1750).  
 Elisa B. v. Superior Court, 117 P.3d 660 (Cal. 2005).  
 Emmanuel College v. Evans, 21 Eng. Rep. 494 (1625).  
 Estes v. Albers, 504 N.W.2d 607 (S.D. 1993).  
 Evans v. United Kingdom, App. No. 6339/05 (Eur. Ct. H.R. Mar. 7, 2006).  
 Evans v. United Kingdom, App. No. 6339/05 (Eur. Ct. H.R. Apr. 10, 2007).  
 Faske v. Bonanno, 357 N.W.2d 860 (1984).  
 Ferguson v. McKiernan, 940 A.2d 1236 (Pa. 2007).  
 Fla. Dep't of Children & Families v. Adoption of X.X.G. and N.R.G., 45 So.3d 79 (2010).  
 G.E.B. v. S.R.W., 422 Mass. 158 (Mass. 1996).  
 Gartner v. Iowa Dep't of Pub. Health, 830 N.W.2d 335 (Iowa 2013).  
 Gerhardt v. Estate of Moore, 150 Wis.2d 563 (Wis. 1989).  
 Griswold v. Connecticut, 381 U.S. 479 (U.S. Conn. 1965).  
 Gursky v. Gursky, 242 N.Y.S.2d 406 (Sup. Ct. 1963).  
 Heart of Adoptions, Inc. v. J.A., 963 So.2d 189 (Fla. 2007).  
 Hecht v. Superior Court, 59 Cal.Rptr.2d 222 (Cal.App. 2 Dist. 1996).  
 Heidbreder v. Carton, 645 N.W.2d 355 (Minn. 2002).  
 Hernandez v. Robles, 855 N.E.2d 1 (N.Y. 2006).  
 Hoch v. Hoch, No. 44-C-8307 (Ill. Cir. Ct. 1945).

- Hollingsworth v. Perry, 133 S. Ct. 2652 (2013).  
 Huddleston v. Infertility Ctr. of America, Inc., 700 A.2d 453 (Pa. 1997).  
 Hume v. United States, 132 U.S. 406, 410 (1889).  
 In Interest of R.C., 775 P.2d 27 (Colo. 1989).  
 In re Adoption of Anonymous, 345 N.Y.S.2d 430 (Surr. Ct. 1973).  
 In re Adoption of K.F.H., 844 S.W.2d 343 (Ark. 1993).  
 In re Baby S., 128 A.3d 296 (Pa. Super. Ct. 2015).  
 In re Custody of H.S.H.-K., 533 N.W.2d 419 (Wis. 1995).  
 In re Guardianship of I.H., 834 A.2d 922 (Me. 2003).  
 In re H.C.S., 219 S.W.3d 33 (Tex. App. 2006).  
 In re Jesusa V., 32 Cal.4th 588 (Cal. 2004).  
 In re K.M.H., 169 P.3d 1025, 1026 (Kan. 2007).  
 In re Marriage of Buzzanca, 61 Cal.App.4th 1410 (Cal.App. 4 Dist. 1998).  
 In re Marriage of Dahl and Angle, 194 P.3d 834 (Or. Ct. App. 2008).  
 In re Marriage of Moschetta, 30 Cal.Rptr.2d 893 (Ct. App. 1994).  
 In re Marriage of Rooks, No. 15CA0990, 2016 WL 6123561.  
 In re Marriage of Witbeck-Wildhagen, 667 N.E.2d 122 (Ill. App. Ct. 1996).  
 In re Marriage of Witten, 672 N.W.2d 768 (Iowa 2003).  
 In re MC., 123 Cal.Rptr.3d 856 (Cal. Ct. App. 2011).  
 In Re McAllister & Subak, No. FL032006 (Cal. Super., San Fran. Co., May 24, 1999).  
 In re Nicholas H., 28 Cal.4th 56 (Cal. 2002).  
 In re Parentage of J.M.K., 119 P.3d 840 (Wash. 2005).  
 In re Parentage of Robinson, 890 A.2d 1036 (N.J. Super. 2005).  
 In re Paternity & Maternity of Infant T, 991 N.E.2d.  
 In re Paternity of M.F., 938 N.E.2d 1256 (Ind. Ct. App. 2010).  
 In re R.C., 775 P.2d 27 (Colo. 1989).  
 In re Roberto D.B., 923 A.2d 115 (Md. 2007).  
 In re Sullivan, 157 S.W.3d 911 (Tex. App. 2005).  
 In re Tripp v. Hinckley, 736 N.Y.S.2d 506, 507 (App. Div. 2002).  
 J.B. v. M.B., 751 A.2d 613 (N.J. Super. Ct. App. 2000).  
 J.B. v. M.B., 783 A.2d 707 (N.J. 2001).  
 J.F. v. D.B., 66 Pa. D. & C.4th 1 (Ct. Com. Pl. 2004).  
 J.F. v. D.B., 879 N.E.2d 740 (Ohio 2007).  
 J.R. v. L.R., 386 N.J. Super. 475 (N.J. 2006).  
 J.R. v. Utah, 261 F. Supp.2d 1268 (2002).  
 Jackson v. Jackson, 739 N.E.2d 1203 (Ohio Ct. App. 2000).  
 Jacob v. Shultz-Jacob, 923 A.2d 473 (Pa. Super., 2007).  
 Jaycee B. v. Superior Court, 49 Cal.Rptr.2d 694 (1996).

- Jhordan C. v. Mary K., 224 Cal.Rptr. 530 (Ct. App. 1986).  
 Johnson v. Calvert, 5 Cal.4th 84 (Cal. 1993).  
 Jones v. Smith, 278 So.2d 339 (Fla. App. 1973).  
 K.B. v. N.B., 811 S.W.2d 634 (Tex. App. 1991).  
 K.M. v. E.G., 13 Cal.Rptr.3d 136 (Cal.App. 1 Dist. 2004).  
 K.M. v. E.G., 37 Cal.4th 130 (2005).  
 Karin T. v. Michael T., 484 N.Y.S.2d 780 (Fam. Ct. 1985).  
 Karmasu v. Karmasu, 2009 WL 3155062 (Ohio Ct. App. 2009).  
 Karungi v. Ejalu, No. 337152 (Mich. Ct. App., 2017), <https://casetext.com/case/karungi-v-ejalu>.  
 Karungi V. Ejalu, SC: 156644, COA 337152 (Supreme Court of Michigan, 2018), [www.leagle.com/decision/inmico20180409184](http://www.leagle.com/decision/inmico20180409184).  
 Kass v. Kass, 235 A.D.2d 150 (N.Y. App. Div. 1997), *aff'd*, 696 N.E.2d 174 (1998).  
 Kesler v. Weniger, 744 A.2d 794 (Pa. Super. 2000).  
 Kristine H. v. Lisa R., 117 P.3d 690 (Cal.4th 2005).  
 Kristine Renee H. v. Lisa Ann R., 16 Cal.Rptr.3d 123 (Cal.App. 2 Dist. 2004).  
 LaChappelle v. Mitten, 607 N.W.2d 151 (Minn. Ct. App. 2000).  
 Lane v. Lane, 912 P.2d 290 (N.M. Ct. App. 1996).  
 Leckie & Voorhies, 875 P.2d 521 (Or. Ct. App. 1994).  
 Lehr v. Robertson, 463 U.S. 248 (U.S.N.Y. 1983).  
 Lewis v. Lewis, 174 Cal. 336 (Cal. 1917).  
 Linda D. v. Fritz C., 38 Wash.App. 288 (Div. 1 1984).  
 Litowitz v. Litowitz, 102 Wash.App. 934 (Wash.App. Div. 2 2000).  
 M.L. v. J.C. [2017] O.J. No. 6603.  
 Maria B. v. Superior Court, 13 Cal.Rptr.3d 494 (Cal.App. 3 Dist. 2004).  
 Markov v. Markov, 360 Md. 296 (Md. 2000).  
 Matter of Adoption of Baby A, 877 P.2d 107 (Or.App. 1994).  
 Matter of Adoption of Baby Girl L.J., 505 N.Y.S.2d 813 (N.Y. Sur. 1986).  
 Matter of Adoption of Paul, 550 N.Y.S.2d 815 (N.Y. Fam. Ct. 1990).  
 Matter of Baby M, 537 A.2d 1227 (N.J. 1988).  
 Maynard v. Hill, 125 U.S. 190 (1888).  
 McDonald v. McDonald, 196 A.D.2d (9 N.Y.A.D. 1994).  
 McIntyre v. Crouch, 780 P.2d 239 (Or. Ct. App. 1989).  
 McQueen v. Gadberry, 507 S.W.3d 127 (Mo. Ct. App 2016).  
 Michael H. v. Gerald D., 491 U.S. 110 (U.S. Cal. 1989).  
 Moorman v. Walker, 773 P.2d 887 (Wash.App.1989).  
 Morris v. Morris, 932 So.2d 1007 (Fla. 2006).  
 N.A.H. v. S.L.S., 9 P.3d 354 (Colo. 2000).

- Nili in re the Minors A. and B. V. Alon (Tel Aviv Family Court) 37745-14-03(not published, 27 April, 2014) (Heb.).
- Nygaard v. Nygaard, 156 Mich.App. 94 (Mich.App. 1986).
- Obergefell v. Hodges, 135 S. Ct. 2584 (2015).
- Pavan v. Smith, 137 S. Ct. 2075 (2017).
- People ex rel. Abajian v. Dennett, 184 N.Y.S.2d 178 (Sup. Ct. 1958).
- People v. Sorenson, 437 P.2d 495 (Cal. 1968).
- Planned Parenthood of Se. Pennsylvania v. Casey, 505 U.S. 833 (1992).
- Quilloin v. Walcott, 434 U.S. 246 (U.S.Ga. 1978).
- R.R. v. M.H., 689 N.E.2d 790 (Mass. 1998).
- R.S. v. R.S., 670 P.2d 923 (Kan. Ct. App. 1983).
- Raftopol v. Ramey, 12 A.3d 783 (Conn. 2011).
- Robert B. v. Susan B., 109 Cal.App.4th 1109 (Cal.App.6.Dist).
- Roe v. Wade, 410 U.S. 113 (1973).
- Roy-Bevington v. Rigden [2017] O.J. No. 5754.
- Rubano v. DiCenzo, 759 A.2d 959 (R.I. 2000).
- Sessions v. Morales-Santana, 137 S. Ct. 1678 (2017).
- Sharon S. v. Superior Court, 73 P.3d 554 (Cal. 2003).
- Shineovich v. Shineovich, 214 P.3d 29 (Or. App. 2009).
- Sieglein v. Schmidt, 120 A.3d 790 (Md. Ct. Spec. App. 2015).
- Skinner v. State of Okl. ex rel. Williamson, 316 U.S. 535 (U.S. 1942).
- Smith v. Cole, 553 So.2d 847 (La.1989).
- Smith v. Jones, No. 85–53201401 (Mich. Cir. Ct. Wayne County March 14, 1986).
- Soos v. Superior Court, 897 P.2d 1356 (Ariz. Ct. App. 1994).
- Southfox v. Southfox, No. D453867 (Cal. Super. Ct. Jan. 19, 2000).
- St. Mary v. Damon, 309 P.3d 1027, 1032 (Nev. 2013).
- Stanley v. Illinois, 405 U.S. 645 (1972).
- Stanton v. Willson, 1808 WL 85 (Conn. 1808).
- State on behalf of J.R. v. Mendoza, 240 Neb. 149 (Neb 1992).
- Stephen K. v. Roni L., 105 Cal.App.3d 640 (Cal.App. 2 Dist 1980).
- Steven S. v. Deborah D., 127 Cal.App.4th 319 (Cal.App. 2 Dist. 2005).
- Steven W. v. Martha Andra N., 3 Civ CO12456, slip op. at 10–11 (Cal. Super. Ct. May 6, 1993).
- Stiver v. Parker, 975 F.2d 261 (6th Cir. 1992).
- Straub v. B.M.T. by Todd, 645 N.E.2d 597 (Ind. 1994).
- Strnad v. Strnad, 78 N.Y.S.2d 390 (Sup. Ct. 1948).
- Surrogate Parenting Assocs., Inc. v. Commonwealth ex rel. Armstrong, 704 S.W.2d 209 (Ky. 1986).
- Syrkowski v. Appleyard, 362 N.W.2d 211 (Mich. 1985).

*Table of Cases*

xv

- Szafranski v. Dunston, 34 N.E.3d 1132 (Ill. App. Ct. 2015).  
T.D. v. M.M.M., 730 So.2d 873 (La. 1999).  
T.F. v. B.L., 813 N.E.2d 1244 (Mass. 2004).  
Thomas S. v. Robin Y., 618 N.Y.S.2d 356 (App. Div. 1994).  
Troxel v. Granville, 120 S.Ct. 2054 (U.S.Wash. 2000).  
United States v. Windsor, 133 S. Ct. 2675 (2013).  
V.C. v. M.J.B., 748 A.2d 539 (N.J. 2000).  
Van Valkinburgh v. Watson, 13 Johns. Ch. 480, 480 (N.Y. Ch. 1816).  
Vitakis v. Valchine, 987 So.2d 171 (Fla. Dist. Ct. App. 2008).  
Vogel v. Kirkbride, No. FA 02-0471850, 2002 WL 34119315 (Conn. Super. Ct. Dec. 18, 2002).  
Wallis v. Smith, 130 N.M. 214 (N.M.App. 2001).  
Weaver v. Guinn, 31 P.3d 1119 (Or. Ct. App. 2001).

## Table of Legislation

- ABA Model Act Governing Assisted Reproductive Technology § 201(2)(j); § 501(1)(a)–(b); § 501(3)(e); § 502(1); § 7 Alternative A; § 1002(1), [www.americanbar.org/content/dam/aba/administrative/family\\_law/committees/artmodelact.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/administrative/family_law/committees/artmodelact.authcheckdam.pdf).
- Act on Medically Assisted Reproduction § 25; § 56 (2007).
- All Families are Equal Act (2016).
- ALM GL ch. 209 C; § 11 (2010).
- American Law Institute (ALI) § 2.03(1)(c); § 2.08(1)
- Assisted Reproductive Technology (Regulation) Bill 2010 26–27 (India), <https://www.coursehero.com/file/21962558/ART-REGULATION-Draft-Bill1/>.
- Cal Fam Code § 367(g); § 7611–3; § 7613(a)–(b) (2009); § 7650.
- Children’s Law Reform Act, RSO 1990 c C 12.
- Colo. Rev. Stat. § 19-4-106(7)(b) (2008).
- D.C. Code § 16-909(e)(1) (2001).
- Family Law Act [SBC 2011] Chapter 25.
- Fla. Stat. § 742.14; § 742.17 (2015).
- Ga. Code Ann. § 19-11-9(d)(5); § 74-9904 (1968).
- Human Fertilisation and Embryology (Parental Orders) Regulations 2010, [www.rbmojournal.com/article/S1472-6483\(15\)00303-X/fulltext](http://www.rbmojournal.com/article/S1472-6483(15)00303-X/fulltext).
- Human Fertilisation and Embryology Act (HFEA) §§ 28; 30; 37 (1990), [www.legislation.gov.uk/ukpga/1990/37/contents](http://www.legislation.gov.uk/ukpga/1990/37/contents).
- Human Fertilisation and Embryology Act (HFEA) § 22; § 54 (2008) (update to HFEA).
- Ill. Comp. Stat. 750, 47/25 (2005).
- Kan. Stat. Ann. §§ 23-128–130 (1968).
- La. Rev. Stat. Ann. §§ 9:129, 131 (2006).

- Mo. Rev. Stat. Ann. § 192.016(9)–(10).  
 N.H. Rev. Stat. Ann. § 168-B:11; § 168-B:20–B:24 (Westlaw through 2015 Reg. Sess.).  
 N.J. Stat. Ann. § 9:17-44 (West 2009).  
 N.M. Stat. Ann. § 40-11-6 (West 2009).  
 Neb. Rev. Stat. § 43-104.01(5).  
 Nev. Rev. Stat. Ann. § 126.045 1(B) (2008).  
 O.R.S. § 109.070 (2010).  
 Okla. Stat. Ann. tit. 10 §§ 551–53; 10; 7506–1.1(J)(2).  
 Quebec Civ. Code, S.Q., Art. 538 (2002), [http://legisquebec.gouv.qc.ca/en/showversion/cs/CCQ-1991?code=se:538\\_2&pointInTime=20161020](http://legisquebec.gouv.qc.ca/en/showversion/cs/CCQ-1991?code=se:538_2&pointInTime=20161020).  
 Restatement (Second) of Contracts § 164; § 175; § 177; § 191; § 208; §§ 261–72.  
 Restatement (Second) of Torts § 46 cmt. b; § 436A (1965).  
 S. B. 183, 49th Leg., 2d Sess. (N.M. 2010).  
 Tex. Fam. Code Ann. § 160.706(a)–(b); §§ 160.751–63; § 160.7031(a) (West 2007).  
 Unif. Parentage Act (UPA), the explanatory note § 102(10); § 2, 9B U.L.A. 287, 296; § 201(a)(1), 9B U.L.A. 309; § 4(a)(4); § 5, 9B U.L.A. 295; § 6(d), 9B U.L.A. 303; § 609; § 703; § 706(a)+ (b)+ cmt.; § 707; § 801(a)  
 Unif. Parentage Act (UPA): Prefatory Note, Uniform Parentage Act (2017), [www.uniformlaws.org/shared/docs/parentage/UPA2017\\_Final\\_2017sep22.pdf](http://www.uniformlaws.org/shared/docs/parentage/UPA2017_Final_2017sep22.pdf).  
 Unif. Premarital Agreement Act § 3(b), 9 C U.L.A. 43 (2001).  
 Unif. Putative & Unknown Fathers Act § 1(2)(ii), 9 C U.L.A. 59 (2014).  
 Unif. Status of Children of Assisted Conception Act § 4(a), 9 C U.L.A. 363 (2014). Act 6, 9B U.L.A. 265; §§ 5–9 U.L.A.  
 Uniform Commercial Code (U.C.C.) § 2-302; § 2-615(a), c. 1.  
 Va. Code Ann. §§ 20-159–20-160 (2008).  
 Wash. Rev. Code § 26.26.725 (West 2008).