

Is Intention Enough? Legal Parentage in the Era of Assisted Reproductive Technologies

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General Purpose

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- Purpose is to explore the legal dimensions of *intentionality* in regard to determining parentage of children created through ARTs
- Inspired by the proposal of an updated Uniform Parentage Act (UPA) in 2017
- My primary research methodology is publication research and legal research



Intended Parents

Terminology

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- **Genetic Parent** has a genetic tie to the child, typically, 2 genetic parents, a genetic father and a genetic mother; however, with the advancement of mitochondrial replacement techniques it is possible for a child to have 2 genetic mothers and 1 genetic father
- **Gestational Parent** is an individual who gives birth to a child
- **Intended Parent** is an individual who intends to raise and provide for a child, regardless of gestational or genetic tie

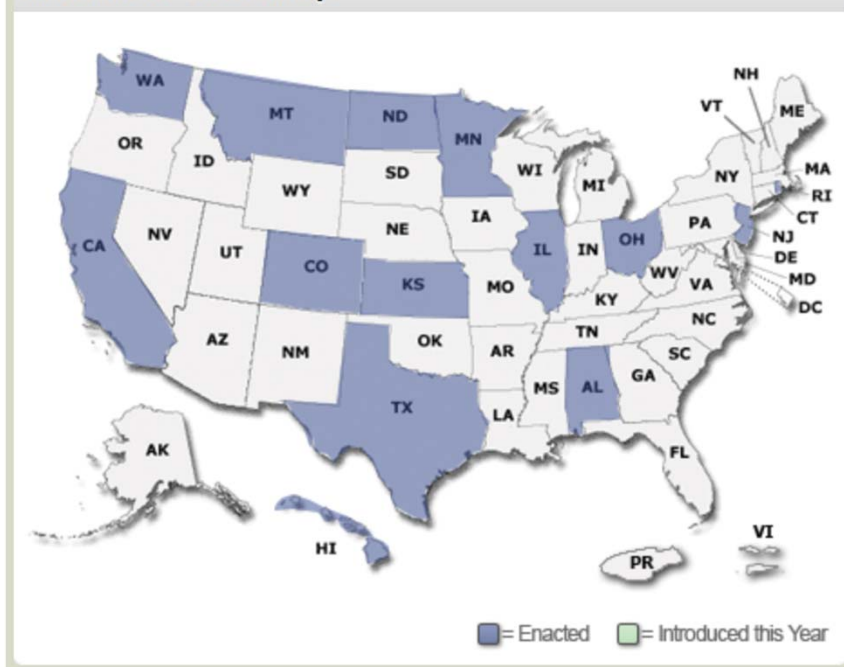


History – Uniform Parentage Act

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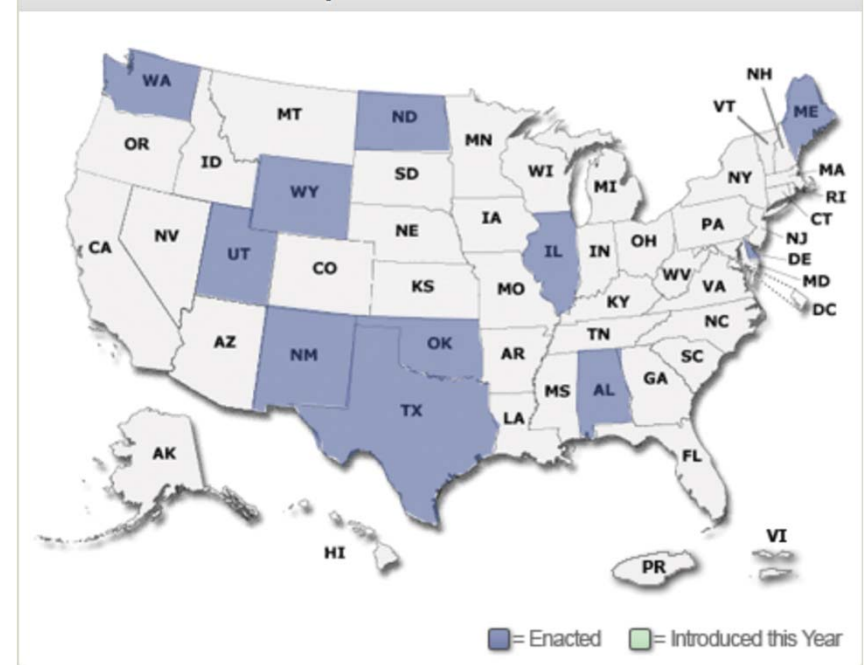
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Enactment Status Map



1973: 19 states adopted

Enactment Status Map



2002: 11 states adopted

Legal Benefits and Disadvantages

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Benefits:

- Parties who do not have a genetic or gestational tie to children they are invested in raising will be legally recognized as parents
- Alleviates discriminatory practices in which individuals would have the same accessibility to be legally recognized, particularly in regard to same-sex couples

Disadvantages:

- Lack of clarity as to when intention should apply and to what parties as well as jurisdictional questions regarding legal parentage
- Parties will forum or jurisdiction “hop” in order to seek third-party reproduction
- Internationally, there are significant concerns of whether intention is recognized, as well as legal requirements for parentage

Perfect World Proposal

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- Federal Law granting legal parentage based upon the bests interest of the child
- Multiple legal parents, single legal parents
- Would prevent state differences, would address international considerations
- Problem: Impossible



Questions?

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