

ASSEMBLY BILL 960

EQUAL PROTECTION FOR ALL FAMILIES ACT

ASSEMBLYMEMBER DAVID CHIU

BILL SUMMARY

Assembly Bill 960 modernizes California's assisted reproduction laws to ensure all couples using assisted reproduction be fully recognized as parents as intended.

Specifically, AB 960 would allow unmarried people using assisted reproduction to be fully recognized as parents on the same terms as married parents. Further, AB 960 would remove the requirement from Family Law that couples must involve a doctor when using assisted reproduction in order to ensure that the donor is not a parent.

NEED FOR AB 960

California recognizes many intended parents using sperm or egg donors to conceive children as parents under the law, and that many sperm and egg donors are not parents.

However, California does not recognize that unmarried couples using assisted reproduction with a donor are parents under the law, and limits this protection to married couples, even though many unmarried couples conceive children in this way.

California law also only recognizes that sperm donors are not legal fathers when a doctor or sperm bank is involved. However, many parents, including many same-sex parents, transgender parents, and intended single parents, use at home insemination to conceive. Many families simply cannot afford to conceive using a sperm bank or doctor, which can cost hundreds or thousands of dollars per month.

These families are left completely unprotected, and their sperm donors are treated as biological fathers under the law.

Because the laws do not protect many of the families using assisted reproduction, these parents and their children are put at risk. A sperm donor might end up being required to pay child support by the state, for example, if the parents conceived through at home insemination.

BACKGROUND

California's laws on parenting rights for parents using assisted reproduction are based on uniform laws written in the 1970s, called the Uniform Parentage Act. The Uniform Parentage Act was suggested legislation by the Uniform Law Commission, which provides states with non-partisan, drafted legislation, and was originally adopted by several states including California. In 2000 and 2002 revisions were made to the Uniform Parentage Act and currently eight states have adopted the revised Act. Because there are so many families now conceiving children in these ways who need protection, many states now fully protect these families, as does the current version of the Uniform Parentage Act. California has yet modernized its own laws to recognize that families are formed in many ways, and all are equally deserving of protection.

SUPPORT

- National Center for Lesbian Rights (Sponsor)
- Equality California (Sponsor)
- Our FAMILY Coalition (Sponsor)

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