

Act 647 of the 1989 Regular Session.

Act 647

HB1339

By: Representative Wilkins

"AN ACT TO AMEND TITLE 9, CHAPTER 10, SUBCHAPTER 2 OF THE ARKANSAS CODE OF 1987 TO CLARIFY RESPONSIBILITY OF PARENTS TO CHILDREN BORN AS A RESULT OF ARTIFICIAL INSEMINATION; AND FOR OTHER PURPOSES."

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code 9-10-201 is hereby amended to read as follows:

"9-10-201. Child born to married or unmarried woman - Presumptions - Surrogate mothers.

(a) Any child born to a married woman by means of artificial insemination shall be deemed the legitimate natural child of the woman and the woman's husband if the husband consents in writing to the artificial insemination.

(b) A child born by means of artificial insemination to a woman who is married at the time of the birth of the child shall be presumed to be the child of the woman giving birth and the woman's husband, except in the case of a surrogate mother, in which event the child shall be that of the biological father and the woman intended to be the mother, if the biological father is married; or the biological father only if unmarried; or, in cases of a surrogate mother when an anonymous donor's sperm was utilized for artificial insemination, the child shall be that of the woman intended to be the mother.

(c)(1) A child born by means of artificial insemination to a woman who is unmarried at the time of the birth of the child shall be, for all legal purposes, the child of the woman giving birth, except in the case of a surrogate mother, in which event the child shall be that of the biological father and the woman intended to be the mother, if the biological father is married, or the biological father only if unmarried; or, in cases of a surrogate mother when an anonymous donor's sperm was utilized for artificial insemination, the child shall be that of the woman intended to be the mother.

(2) For birth registration purposes, in cases of surrogate mothers, the woman giving birth shall be presumed to be the natural mother and shall be listed as such on the certificate of birth, but a substituted certificate of birth may be issued upon orders of a court of competent jurisdiction."

SECTION 2. All provisions of this act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 3. All laws and parts of laws in conflict with this act are hereby repealed.

APPROVED: March 17, 1989

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