

**ASSEMBLY BILL**

**No. 2344**

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**Introduced by Assembly Member Ammiano**

February 21, 2014

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An act to add Sections 7613.5 and 9008 to the Family Code, relating to family law.

LEGISLATIVE COUNSEL'S DIGEST

AB 2344, as introduced, Ammiano. Family law: parentage.

(1) The Uniform Parentage Act defines the parent and child relationship as the legal relationship existing between a child and the child's parents, including the mother and child relationship and the father and child relationship, and governs proceedings to establish that relationship. Under existing law the donor of semen provided to a licensed physician and surgeon or to a licensed sperm bank for use in assisted reproduction of a woman other than the donor's spouse is treated at law as if he were not the natural parent of the child thereby conceived unless otherwise agreed in a writing signed by the donor and the woman prior to the conception of the child.

This bill would establish a statutory parentage form for assisted reproduction that would establish the parental rights of donor and intended parent parties to assisted reproduction that results in a child. The bill would state that the use of this form, if signed prior to the conception of a child, is presumed to meet the writing requirement described above.

(2) Existing law establishes the process by which a person may be adopted by a stepparent who is married to or is the domestic partner of the person's parent. Existing law requires that each case of stepparent adoption be investigated by certain individuals or entities, including a

probation officer, private licensed adoption agency, or county welfare department in the county in which the adoption proceeding is pending. Under existing law, the prospective adoptive parent is liable for all reasonable costs incurred in connection with the stepparent adoption, including costs incurred for the investigation. Existing law also requires the prospective adoptive parents to be examined by the court, as specified.

This bill would establish the use of a stipulated stepparent adoption process, under which the child of a marriage or domestic partnership may be adopted by the parties to that marriage or domestic partnership, if both of the parties appear on the child’s birth certificate, and the parties file a written agreement with the court, as provided. The bill would state that a stipulated stepparent adoption does not require an examination by the court or any other court proceedings, or a background check, home study, or any related fees.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 7613.5 is added to the Family Code, to  
2 read:

3 7613.5. (a) The donor of semen or ova for use in assisted  
4 reproduction and the intended parents of the child created through  
5 that process may use the form prescribed in this section to  
6 determine parental rights.

7 (b) The following is the California Statutory Parentage Form  
8 for Assisted Reproduction:

9

10 INSTRUCTIONS

11 1. READ THE FORM. Read the whole form first. If you do not  
12 understand something, ask a lawyer to explain it to you.

13 2. FILL IN THE BLANKS. Follow the instructions carefully.  
14 Do not add any words to the form (except for filling in the blanks)  
15 or cross out any words.

16 3. DATE AND SIGN THE FORM. All parties to the form,  
17 intended parents and any donors, are required to sign the form  
18 before the conception of the child.

19 Donor Name: \_\_\_\_\_

20 Donated sperm  Donated ova  (check one)

1 Parent 1: \_\_\_\_\_ (if one parent is gestating  
2 the child, enter that parent’s name on this line).

3 Parent 2: \_\_\_\_\_ (if applicable)

4 Check the statement that describes the rights of the parties.

5 \_\_\_ The donor shall have no parental rights as regards any child  
6 that results from assisted reproduction using the donated gametes.

7 The person or persons listed above as parents shall have all parental  
8 rights.

9 \_\_\_ The donor shall be presumed to be the father of a child that  
10 results from assisted reproduction using the donated sperm.

11 \_\_\_ The donor shall be presumed to be the mother of a child that  
12 results from assisted reproduction using the donated ova.

13 Signatures:

14 Donor: \_\_\_\_\_ Date: \_\_\_\_\_

15 Parent 1: \_\_\_\_\_ Date: \_\_\_\_\_

16 Parent 2: \_\_\_\_\_ Date: \_\_\_\_\_

17

18 (c) The use of this form, if signed prior to the conception of a  
19 child, shall be presumed to meet the writing requirement in  
20 subdivision (b) of Section 7613.

21 (d) Nothing in this section shall be construed to limit the parental  
22 rights of a donor who is married to one of the intended parents.

23 SEC. 2. Section 9008 is added to the Family Code, to read:

24 9008. (a) It is the intent of the Legislature to provide a  
25 streamlined process for married couples or registered domestic  
26 partners to legally adopt children of the relationship so as to ensure  
27 that they maintain full parenting rights in jurisdictions outside of  
28 California that may not otherwise recognize the parenting rights  
29 established under California law.

30 (b) A stipulated stepparent adoption may be performed if all of  
31 the following criteria are met:

32 (1) The child to be adopted was born into the marriage or  
33 domestic partnership.

34 (2) One of the spouses or domestic partners gave birth to the  
35 child.

36 (3) Both spouses or domestic partners are identified on the birth  
37 certificate as parents.

38 (c) The parties to a stipulated stepparent adoption shall execute  
39 and acknowledge an agreement in writing that the child will be  
40 treated in all respects as their lawful child, and shall file this

1 agreement with the court. A stipulated stepparent adoption does  
2 not require an examination by the court or any other court  
3 proceedings.

4 (d) A stipulated stepparent adoption does not require a  
5 background check, home study, or any related fees.