257E.23 CONSENT TO ASSISTED REPRODUCTION.

(a) Except as otherwise provided in paragraph (b), the consent described in section 257E.22 must be in a record signed by the individual giving birth to a child conceived by assisted reproduction and an intended parent.

(b) Failure to consent in a record as required by paragraph (a), before, on, or after the birth of the child does not preclude the court from finding consent to parentage if:

(1) the individual giving birth to a child or the intended parent proves by clear and convincing evidence the existence of an express agreement entered into before conception that the intended parent and the individual giving birth to the child intended that they both would be parents of the child; or

(2) the individual giving birth to a child and the intended parent for the first two years of the child's life, including any period of temporary absence, resided together in the same household with the child and both openly held out the child as the intended parent's child, unless the intended parent dies or becomes incapacitated before the child attains two years of age or the child dies before the child attains two years of age, in which case the court may find consent under this paragraph to parentage if a party proves by clear and convincing evidence that the individual giving birth to the child and the intended parent intended to reside together in the same household with the child and both intended that the intended parent would openly hold out the child as the intended parent's child, but the intended parent was prevented from carrying out that intent by death or incapacity.

History: *2024 c 101 art 4 s 5*