CHAPTER 257E

ASSISTED REPRODUCTION

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257E.10 DEFINITIONS.

Subdivision 1. **Definitions.** For purposes of this chapter, the following terms have the meanings given.

Subd. 2. **Assisted reproduction.** "Assisted reproduction" means a method of causing pregnancy other than sexual intercourse. The term includes:

(1) intrauterine, intracervical, or vaginal insemination;

(2) donation of gametes;

(3) donation of embryos;

(4) in vitro fertilization and transfer of embryos; and

(5) intracytoplasmic sperm injection.

Assisted reproduction does not include a pregnancy under a surrogacy agreement, the pregnancy of a surrogate, the transfer of an embryo to a surrogate, or when a child is conceived pursuant to a surrogacy agreement. For purposes of this subdivision, "surrogate" means an individual who agrees to become pregnant but who does not intend to be legally bound as a parent of the child.

Subd. 3. **Birth.** "Birth" includes fetal deaths reportable under section 144.222.

Subd. 4. **Determination of parentage.** "Determination of parentage" means the establishment of a parent-child relationship by a judicial proceeding or signing of a valid recognition of parentage under section 257.75.

Subd. 5. **Donor.** "Donor" means an individual who provides gametes intended for use in assisted reproduction, whether or not for consideration. The term does not include a parent or an intended parent.

Subd. 6. **Gamete.** "Gamete" means a sperm or an egg.

Subd. 7. **Genetic testing.** "Genetic testing" means an analysis of genetic markers to identify or exclude a genetic relationship.

Subd. 8. **Intended parent.** "Intended parent" means an individual, married or unmarried, who manifests an intent to be legally bound as a parent of a child conceived by assisted reproduction.

Subd. 9. **Parent.** "Parent" means an individual who is the legal parent of a child under the laws of the state.

Subd. 10. **Parentage; parent-child relationship.** "Parentage" or "parent-child relationship" means the legal relationship between a child and a parent of the child.

Subd. 11. MS 2024 [Repealed, 2026 c 88 art 1 s 226]

Subd. 12. **Transfer.** "Transfer" means a procedure for assisted reproduction by which an embryo or sperm is placed in the body of the individual who will give birth to the child.

History: *2024 c 101 art 4 s 1*

257E.15 ORDERS OF PARENTAGE.

(a) If the court determines that an individual is a parent under this chapter, either because the individual gave birth to the child or the individual is a consenting intended parent under section 257E.23, the court shall adjudicate the individual to be a parent of the child.

(b) An individual who is or claims to be a parent under this section or the individual who gave birth to the child may commence a proceeding before or after the birth of the child in district court for an order or judgment:

(1) declaring that each intended parent is a parent of the child and ordering that parental rights and duties vest immediately upon the birth of the child;

(2) designating the content of the birth record in accordance with applicable law and directing the Office of Vital Records to designate each intended parent as a parent of the child;

(3) to protect the privacy of the child and the parties, declaring that the court record is not open to inspection; and

(4) for other relief that the court determines necessary and proper.

(c) The court may issue an order or a judgment under this section before the birth of the child. The court shall stay enforcement of the order or judgment until the birth of the child.

(d) Neither this state nor the Office of Vital Records is a necessary party to a proceeding under this section.

History: *2024 c 101 art 4 s 2*

257E.21 PARENTAL STATUS OF DONOR.

A donor is not a parent of a child conceived by assisted reproduction.

History: *2024 c 101 art 4 s 3*

257E.22 PARENTAGE OF CHILD OF ASSISTED REPRODUCTION.

An intended parent who consents under section 257E.23 to assisted reproduction by another individual with the intent to be a parent of a child conceived by assisted reproduction is a parent of the child.

History: *2024 c 101 art 4 s 4*

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*

257E.24 SPOUSE'S DISPUTE OF PARENTAGE; LIMITATIONS.

(a) Except as otherwise provided in paragraph (b), an individual who, at the time of a child's birth, is the spouse of the parent who gave birth to the child by assisted reproduction may not challenge the individual's parentage of the child unless:

(1) not later than two years after the birth of the child, the spouse commences a proceeding to adjudicate the spouse's parentage of the child; and

(2) the court finds that the spouse did not consent to the assisted reproduction before, on, or after birth of the child, or withdrew consent under section 257E.26.

(b) A proceeding to adjudicate a spouse's parentage of a child born by assisted reproduction may be commenced at any time if the court determines:

(1) the spouse neither provided a gamete for, nor consented to, the assisted reproduction;

(2) the spouse and the parent who gave birth to the child have not cohabited since the probable time of assisted reproduction; and

(3) the spouse never openly held out the child as the spouse's child.

(c) This section applies to a spouse's dispute of parentage even if the spouse's marriage is declared invalid after assisted reproduction occurs.

History: *2024 c 101 art 4 s 6*

257E.25 EFFECT OF DISSOLUTION.

If a marriage of an individual who gives birth to a child conceived by assisted reproduction is terminated through divorce or dissolution, subject to legal separation or separate maintenance, declared invalid, or annulled before the transfer of gametes or embryos to the individual giving birth to the child, a former spouse of the individual giving birth to the child is not a parent of the child unless the former spouse consented in a record that the former spouse would be a parent of the child if assisted reproduction were to occur after a

divorce, a dissolution, an annulment, a declaration of invalidity, a legal separation, or separate maintenance, and the former spouse did not withdraw consent under section 257E.26.

History: *2024 c 101 art 4 s 7*

257E.26 WITHDRAWAL OF CONSENT.

(a) An intended parent who consents under section 257E.23 to assisted reproduction may withdraw consent any time before a transfer that results in a pregnancy, by giving notice in a record of the withdrawal of consent to the individual who agreed to give birth to a child conceived by assisted reproduction and to any clinic or health care provider facilitating the assisted reproduction. Failure to give notice to the clinic or health care provider does not affect a determination of parentage under this chapter.

(b) An individual who withdraws consent under paragraph (a) is not a parent of the child under this chapter.

History: *2024 c 101 art 4 s 8*

257E.27 PARENTAL STATUS OF DECEASED INDIVIDUAL.

(a) If an individual who intends to be a parent of a child conceived by assisted reproduction dies during the period between the transfer of a gamete or embryo and the birth of the child, the individual's death does not preclude the establishment of the individual's parentage of the child if the individual otherwise would be a parent of the child under this chapter.

(b) If an individual who consented in a record to assisted reproduction by an individual who agreed to give birth to a child dies before a transfer of gametes or embryos, the deceased individual is a parent of a child conceived by the assisted reproduction only if:

(1) either:

(i) the individual consented in a record that if assisted reproduction were to occur after the death of the individual, the individual would be a parent of the child; or

(ii) the individual's intent to be a parent of a child conceived by assisted reproduction after the individual's death is established by clear and convincing evidence; and

(2) either:

(i) the embryo is in utero not later than 36 months after the individual's death; or

(ii) the child is born not later than 45 months after the individual's death.

History: *2024 c 101 art 4 s 9*