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NATIONAL CENTER FOR LESBIAN RIGHTS

AB 960 - Equal Protection For All Families Act

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Cosponsors: Equality California, National Center for Lesbian Rights, Our Family Coalition



In Brief

Assembly Bill 960 updates California's assisted reproduction laws to ensure all couples using assisted reproduction will be fully recognized as parents. Specifically, 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. Further, AB 960 would allow unmarried people using assisted reproduction to be fully recognized as parents on the same terms as married parents. AB 960 also provides clear direction for how egg donors should be treated under California law. These important changes in the law will increase access to family building options by eliminating economic barriers.

The Issues

California recognizes many intended parents using sperm or egg donors to conceive children as parents under the law. 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 recognizes that many sperm and egg donors are not parents, but only 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. Further, California statutes currently do not explicitly address egg donors at all. Instead, provisions in the Family Code addressing fathers are applied to mothers. 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.

The Solution

AB 960 makes it clear that unmarried people using assisted reproduction should be equally recognized as parents in the same way that married parents are recognized. In addition, this bill provides protections for families who choose to use 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. Because there are so many families now conceiving children in these ways who need protection, many states now fully protect these families. California has yet to update its own laws to recognize that families are formed in many ways, and all are equally deserving of protection.

Support

Equality California (Cosponsor)
National Center for Lesbian Rights (Cosponsor)
Our Family Coalition (Cosponsor)
American Civil Liberties Union (ACLU) of California
API Equality – Northern California
Asian & Pacific Islander Wellness Center
California LGBT Health and Human Services Network
Los Angeles LGBT Center
Rainbow Community Center of Contra Costa
Transgender Law Center

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