

# STATE: KENTUCKY

## At a glance:

Parentage: Very Good

Surrogacy: Good

Donor Conception/IVF: Fair

Marriage: Fair

Overall Grade: **B**

Ranking: 4

## Parentage:

**Mother-Father Language:** Kentucky parentage law maintains language that refers to mothers and fathers, recognizing the biological reality that every child naturally has a mother and a father.

**Intent-based parentage:** Kentucky does not have case law or statute directly establishing parentage on the basis of intent.

**Polyparenting:** Kentucky does not have laws or case law redefining the family to allow more than two parents.

## Surrogacy

**Surrogacy:** A 1985 Kentucky Supreme Court ruling held that gestational surrogacy was not the sale of children under Kentucky law and asked the legislature to take up the issue to clarify the legality of surrogacy.<sup>[1]</sup> Kentucky does not currently have any laws addressing gestational surrogacy, but commercial genetic surrogacy is prohibited under KRS 199.590(4).<sup>[2]</sup> Pre-birth orders are generally granted as long as at least one intended parent is genetically related to the child.<sup>[3]</sup>

**Donor-Conception:** Kentucky does not have any laws or case law addressing donor anonymity, donation frequency, or payments to donors. Under Kentucky law, a donor-conceived child's birth certificate will not reflect their true parentage.<sup>[4]</sup>

**Redefinition of infertility and right to IVF:** Kentucky does not have laws or case law that redefine infertility to include "social infertility" or establish a "right" to IVF, although there is an ongoing case challenging the state's pro-life laws brought by a plaintiff who is undergoing IVF.

## Marriage

**Natural Marriage:** Kentucky has both constitutional<sup>[5]</sup> and statutory<sup>[6]</sup> language recognizing natural marriage (marriage between one man and one woman) as the only valid marriage arrangement. Natural marriage protects a child's relationship with the two adults from whom he came.

**Divorce:** Kentucky is a true no-fault state, meaning that it does not accept fault-based grounds for divorce.<sup>[7]</sup> The state does not require a six-month waiting period before filing or finalization (the waiting period is typically 60 days, but may be extended if one party denies the marriage is irretrievably broken).<sup>[8]</sup> Parental education on the impact of divorce on children is required in many legal circuits, but not required state-wide.<sup>[9]</sup>



[1] <https://louisville.edu/law/library/special-collections/kentucky-supreme-court-briefs/surrogate-parenting-associates>

[2] <https://legis.la.gov/legis/Law.aspx?p=y&d=1015741>

[3] <https://surrogatefirst.com/for-intended-parents/us-surrogacy-law-map/gestational-surrogacy-law-kentucky/>

[4] <https://law.justia.com/codes/kentucky/chapter-213/section-213-046/>

[5] <https://apps.legislature.ky.gov/Law/Constitution/Constitution/ViewConstitution?rsn=268>

[6] <https://apps.legislature.ky.gov/law/statutes/statute.aspx?id=36464>

[7] <https://apps.legislature.ky.gov/law/statutes/statute.aspx?id=1450>

[8] <https://apps.legislature.ky.gov/law/statutes/statute.aspx?id=1450>

[9] <https://dofamilylaw.com/what-is-divorce-education/>

