

SENATE No. 1013

The Commonwealth of Massachusetts

PRESENTED BY:

Rebecca L. Rausch

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act to promote efficiency in co-parent adoptions.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Rebecca L. Rausch</i>	<i>Norfolk, Bristol and Middlesex</i>	
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>1/28/2019</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>1/30/2019</i>
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>	<i>1/30/2019</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>	<i>1/31/2019</i>
<i>Paul R. Feeney</i>	<i>Bristol and Norfolk</i>	<i>1/31/2019</i>

SENATE No. 1013

By Ms. Rausch, a petition (accompanied by bill, Senate, No. 1013) of Rebecca L. Rausch, Kay Khan, Jack Patrick Lewis, Joanne M. Comerford and other members of the General Court for legislation promote efficiency in co-parent adoptions. The Judiciary.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-First General Court
(2019-2020)

An Act to promote efficiency in co-parent adoptions.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 210 of the General Laws is hereby amended by inserting the
2 following section:-

3 Section 11B: Confirmatory adoption

4 (1) For purposes of this section, the following terms shall have the following meanings:

5 (A) The term “court” means the probate or family court having jurisdiction over the
6 petitioners.

7 (B) The term “petitioners” means the persons filing a petition for adoption in accordance
8 with this section.

9 (C) The term “assisted reproduction” means a method of causing pregnancy other than
10 sexual intercourse and includes, but is not limited to, artificial insemination as well as the

following: intrauterine, intracervical, or vaginal insemination; donation of gametes; donation of embryos; in vitro fertilization and transfer of embryos; and intracytoplasmic sperm injection.

(D) The term “gamete” means sperm, egg, or any part of a sperm or egg.

(E) The term “embryo” means a cell or group of cells containing a diploid complement of chromosomes or a group of such cells, not including a gamete, that has the potential to develop into a live born human being if transferred into the body of a person under conditions in which gestation may be reasonably expected to occur.

(2) Whenever, as a result of assisted reproduction, a child is born into a marriage, or a legal relationship that provides substantially the same rights, benefits, and responsibilities as marriage and is recognized as valid in the state or jurisdiction in which it was entered, and the spouses wish to complete an adoption of the child to affirm parentage, the court shall permit the spouses to file a petition for adoption in accordance with this section.

(3) Whenever a child is born into a presumption of parentage pursuant to Section 6(a)(4) of Chapter 209C of the General Laws as a result of assisted reproduction and the non-marital parents wish to complete an adoption of the child to affirm parentage, the court shall permit the non-marital parents to file a petition for adoption in accordance with this section.

(4) A complete petition shall be comprised of the following documents:

(A) (1) petitioners’ marriage certificate, if the petition is filed pursuant to paragraph 2 of this section, or (2) declarations by the person giving birth and the non-marital parent explaining the parentage presumption and attesting that no competing claims of parentage exist, if the petition is filed pursuant to paragraph 3 of this section;

(B) a certified copy of the child's birth certificate;

(C) if the child has attained the age of twelve years, the consent of the child; and

(D) a sworn statement by petitioners as described in section 6 of this chapter.

(5) A complete petition for adoption, as described in paragraph (4) of this section, shall serve as the petitioners' written consents to adoption required by Section 2 of this chapter.

(6) If the petitioners conceived using donor gamete(s) or embryo(s), the court shall not require notice of the adoption to the donor or consent to the adoption by the donor. If the spouse's or presumptive non-marital parent's gamete(s) are used in the assisted reproduction, the spouse or presumptive non-marital parent is not a donor.

(7) Unless otherwise ordered by the court for good cause shown, for purposes of evaluating and granting a petition for adoption pursuant to this section, the court shall not require:

(A) an in-person hearing or appearance;

(B) a home study by, notice to, or approval of the Department of Children and Families;

(C) a criminal offender record information search;

(D) verification that the child is not registered with the federal register for missing children or the central register; or

(E) a minimum residency period in the home of the petitioners.

50 (8) The court shall grant the adoption under this section and issue a decree of adoption
51 upon finding that:

52 (A) for marital parents, the parent who gave birth and the spouse were married at the time
53 of the child's birth; or

54 (B) for presumptive non-marital parents, (1) there are no competing claims of parentage,
55 or (2) that any other person with a claim to parentage of the child who is required to be provided
56 notice of, or consent to, the adoption has been noticed and provided consent to the adoption.