

HOUSE No. 4715

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, April 21, 2022.

The committee on The Judiciary to whom was referred the petition (accompanied by bill, House, No. 1712) of Kay Khan and others relative to the adoption of certain children, and a petition (accompanied by bill, Senate, No. 1124) of Rebecca L. Rausch, Thomas M. Stanley, Jack Patrick Lewis, Michael O. Moore and other members of the General Court for legislation promote efficiency in co-parent adoptions, reports recommending that the accompanying bill (House, No. 4715) ought to pass.

For the committee,

MICHAEL S. DAY.

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**In the One Hundred and Ninety-Second General Court
(2021-2022)**

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, as appearing in the 2020 Official Edition,
2 is hereby amended by inserting after section 11A the following section:

3 Section 11B. (a) For purposes of this section, the following terms shall have the
4 following meanings:

5 (1) The term “court” means the probate or family court having jurisdiction.

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

8 (3) The term “assisted reproduction” means a method of causing pregnancy other than
9 sexual intercourse and includes, but is not limited to, artificial insemination as well as the
10 following: intrauterine, intracervical, or vaginal insemination; donation of gametes; donation of
11 embryos; in vitro fertilization and transfer of embryos; and intracytoplasmic sperm injection.

12 (4) The term “donor” means an individual who provides a gamete or embryo intended for
13 assisted reproduction or gestation, whether or not for consideration. This term does not include a
14 person who consents to assisted reproduction with the intent to be a parent of the resulting child.

15 (5) The term “gamete” means sperm or egg and includes any part of a sperm or egg.

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

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

25 (c) Whenever a child is born into a presumption of parentage pursuant to section 6(a)(4)
26 of chapter 209C as a result of assisted reproduction and the non-marital parents wish to complete
27 an adoption of the child to establish or affirm parentage, the non-marital parents may file a
28 petition for adoption in accordance with this section.

29 (d) A complete petition for adoption in accordance with this section shall be comprised of
30 the following documents:

31 (1) (i) a copy of the petitioners’ marriage certificate or similar legal document, if the
32 petition is filed pursuant to paragraph (b) of this section, or (ii) declarations by the non-marital

33 parents explaining the parentage presumption, attesting that the child was born as a result of
34 assisted reproduction, and attesting that no competing claims of parentage exist, if the petition is
35 filed pursuant to paragraph (c) of this section;

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

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

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

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

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

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

48 (1) an in-person hearing or appearance;

49 (2) a home study by, notice to, or approval of the department of children and families;

50 (3) a criminal offender record information search;

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

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

54 (h) The court shall grant the adoption under this section and issue a decree of adoption
55 upon finding that:

56 (1) petitioners have filed a complete petition pursuant to paragraph (d) of this section; and

57 (2) for marital parents, the petitioners were married at the time of the child's birth; or

58 (3) for presumptive non-marital parents, (i) there are no other acknowledged, adjudicated
59 or presumptive parents, or (ii) that any other person with a claim to parentage of the child who is
60 required to be provided notice of, or consent to, the adoption has been noticed and provided
61 consent to the adoption.