

SENATE No. 1124

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 adoption.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Rebecca L. Rausch</i>	<i>Norfolk, Bristol and Middlesex</i>	
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>	<i>2/9/2021</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>2/23/2021</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>	<i>2/23/2021</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>2/25/2021</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>3/1/2021</i>
<i>Julian Cyr</i>	<i>Cape and Islands</i>	<i>4/15/2021</i>
<i>Patrick M. O'Connor</i>	<i>Plymouth and Norfolk</i>	<i>11/16/2021</i>

SENATE No. 1124

By Ms. Rausch, 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. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 1013 OF 2019-2020.]

The Commonwealth of Massachusetts

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

An Act to promote efficiency in co-parent adoption.

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 2018 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

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

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

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

(6) 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.

(b) Whenever, as a result of assisted reproduction, a child is born into a marriage or 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 establish or affirm parentage, the spouses may file a petition for adoption in accordance with this section.

(c) 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 establish or affirm parentage, the non-marital parents may file a petition for adoption in accordance with this section.

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

(1) (i) a copy of the petitioners' marriage certificate, if the petition is filed pursuant to paragraph (b) of this section, or (ii) declarations by the non-marital parents explaining the parentage presumption, attesting that the child was born as a result of assisted reproduction, and attesting that no competing claims of parentage exist, if the petition is filed pursuant to paragraph (c) of this section;

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

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

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

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

(f) 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.

(g) 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:

(1) an in-person hearing or appearance;

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

(3) a criminal offender record information search;

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

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

(h) The court shall grant the adoption under this section and issue a decree of adoption within thirty (30) days upon finding that:

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

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

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