



PARENTAGE STORIES

Protecting Children and Families.

It's in the interest of children's health, safety and well-being to have a stable, legal connection to their parents as early as possible. That legal tie, referred to as "parentage," is critical to children's security and development.

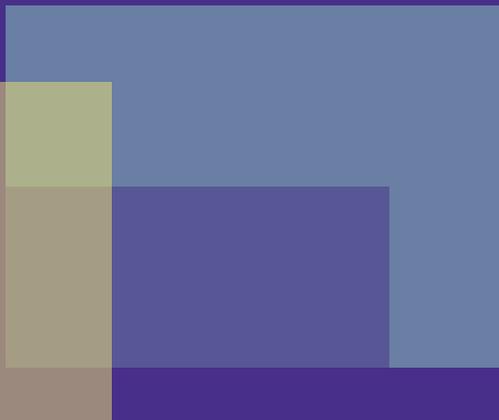
Families are built in many different ways. But laws that protect the ties between children and their parents are frozen in the time that they were written, and in Rhode Island, that time was over forty years ago. There are now many paths to becoming a parent, and some of these pathways have no legal recognition – that leaves many children vulnerable.

Parents that use assisted reproduction or other methods to have children often find themselves facing a difficult, antiquated path to establish parentage, or are trapped in vague areas of the law that leave their children without critical protections. Many parents who have played a part in every step of the family planning process are faced with a time-consuming, invasive, and often expensive process of adopting their own child, leaving children at risk.

Adoption can take months, and that's a long time for a child to be legally unprotected. If the child gets sick or something happens to their legal parent, their other parent may not be able to pick them up from daycare or make medical decisions for them. This vulnerability is harmful to children as well as stressful for all family members – and is completely unnecessary.

When parents think of starting a family, they often think about their responsibilities to provide emotional, physical and financial stability to their kids. But the stories that parents have shared in the following pages reveal that current law makes it harder for many parents to provide for their children. Passage of urgently needed common sense reforms like the Rhode Island Uniform Parentage Act is crucial to protect every child in the state.

The need to pass the Rhode Island Uniform Parentage Act is real and immediate – Rhode Island children and families can't wait any longer.



Katie, Aarav, Dhruva & Dara

Katie and Aarav's daily routine will sound familiar to many couples raising young children. Each day they get up, make breakfast, and get 9-year-old Dhruva out the door for school. Aarav leaves the house early for his work as a high school teacher.

Katie's home during the day caring for one-year-old Dara. Late afternoon is the shift change – Aarav and Dhruva get home from school and Katie leaves for her 3:30-midnight shift as a hospice nurse. Aarav deals with dinner, homework, and bedtime.

They consider themselves lucky and are very aware of their blessings. But building their family has been complicated, and at times they've felt vulnerable. In 2010, when they decided to begin their family, using donor sperm, Aarav, a transgender man, had not yet transitioned and they were not married.

So on the otherwise happy day when Katie gave birth to Dhruva, Katie was the only parent named on the birth certificate. Aarav had no legal relationship to their baby until three months later when their second parent adoption was completed.

“Adopting our own child was strange and demoralizing,” says Katie. “We did our best with it, and tried to make it a celebration of our family. But it's not something we'd want to go through again, or wish on anyone else.”

In subsequent years, Aarav transitioned, the couple got married, and decided to make Dhruva a big brother by adding to their family. They struggled with infertility for six years before Katie became pregnant through IVF. After a healthy pregnancy, Dara was born.

Because Katie and Aarav's marriage brings with it a “presumption of parentage,” both Katie and Aarav are named on Dara's birth certificate. Dhruva is into Pokemon and Star Wars, and loves being a big brother. Dara “is friendly and silly and brings us a lot of joy,” says Katie.

But they still don't feel entirely secure. Aarav was born in Ohio, which is a state that will not change birth certificates to accurately reflect a transgender person's gender. “It makes us nervous about traveling as a family, or possibly moving to a state which would not fully recognize Aarav as a parent,” says Katie.

Rhode Island should update its laws so families like ours don't have to deal with uncertainty and insecurity.

They could do another adoption to get a legal decree that would secure their parentage in all jurisdictions, but they do not want to go through that expensive and invasive process. If the adoption process were more streamlined or if Rhode Island had clear protections for children born through assisted reproduction, their family would be secure. For now, they live in this middle ground of vulnerability.

“This can affect any couple who's not married, or any couple who deals with infertility,” says Katie. “Rhode Island should update its laws so families like ours don't have to deal with uncertainty and insecurity.”



Sara, Anna & Eli



Sara and Anna experienced the effects of Rhode Island's outdated parentage law firsthand when they had their child. Their son Eli was conceived using assisted reproduction. "It took my partner and I two and a half years to become pregnant, I signed more consent forms than I can count," Sara says. "My doctors wouldn't perform any procedure without the written consent of both my partner and myself."

Because they were unmarried, Sara, as the non-birth parent, had no presumed legal parental connection to Eli at birth, and no route to establish her parentage. "We were over the moon when we realized we would finally become parents. I opened up a college savings account for Eli while he was still in utero. In this respect I was like any excessively type A first-time parent, but I later learned that the consent forms that I had signed only protected my right to the embryos my partner and I had created. They didn't protect my connection to our child. When our son was born, I realized I had no parental tie – not one."

This was when Sara and Anna realized how differently the law treats some couples. "I was not his birth parent and I had no way to secure a legal tie to Eli before we left the hospital. My partner and I took the exact same steps as our straight infertile friends in conceiving, but we were denied the ability to put both of our names on the birth certificate just on the basis of our sex alone."

It took eight months for Sara to adopt her own son – an excruciatingly long time to be in legal limbo when it comes to the ability to legally protect your child.

What's more, during all those months, Sara and Anna were subjected to the lengthy, invasive, and at times arbitrary steps of the adoption process, including putting an ad in the paper to notify the anonymous sperm donor of the pending adoption, in case he wanted to challenge the termination of his "parental rights."

The Rhode Island Uniform Parentage Act (RIUPA), based on model best practice parentage legislation, would update Rhode Island laws' recognition of family to reflect present-day reality and to ensure equal and accessible

secure their legal relationships to their children immediately at birth and without going to court. The reforms in the RIUPA simply create equal and fair access for all children to secure parent-child relationships.

Sara keenly feels the unfairness of how unequally her family was treated during the whole ordeal. "I am my son's parent. I have been since conception... I went to every single prenatal appointment. I was present for every minute of his 29-hour labor and delivery [and the time since] snuggling, feeding, changing, burping, and loving on him." Eli, now three years old, loves books, peanut

"They didn't protect my connection to our child. When our son was born, I realized I had no parental tie – not one."

paths to establishing parentage. This includes ensuring that same-gender parents using assisted reproduction have equal access to parentage through the Voluntary Acknowledgment of Parentage process, which enables parents to

butter sandwiches, and stacking blocks, mainly because he gets to knock them down like baby Godzilla. "I could not be more proud of him," Sara adds, "and I hope one day he'll be equally as proud of me."





There's never been a question in our minds who our child's parents are. But we had to prove ourselves to complete strangers.

lawyer. Ada and Caroline talked to a few family attorneys who charged fees ranging from \$2500 to \$8000. They had to borrow money from family to cover the fee. "We know we're fortunate to have family support, and that not everyone has that."

Then came more hurdles, each more uncomfortable than the last. Caroline needed to prove herself a "fit" parent, submitting to a physical, soliciting three letters of recommendation, getting fingerprinted, and answering questions on everything from parenting style to religious beliefs.

And despite the fact that Ada and Caroline's known donor had twice entered into a fully informed agreement with them, he had to be notified by the court. A deputy showed up unannounced at his house – where he lived with his own family – to "serve" him. Then when the women had their court date, a bailiff walked the hallway shouting out the donor's name to "notify" him, of course outing him to everyone in the building.

This period was stressful, at times demeaning. But Caroline and Ada were determined to provide complete legal protection for Simon, so they could care for him with no worries about interacting with doctors and schools, or about being able to make decisions in case of an emergency.

Simon's adoption was finalized just before his first birthday. "There's never been a question in our minds who our child's parents are," says Caroline. "But we had to prove ourselves to complete strangers. I wish these barriers were removed for us and for families like ours."

Caroline and Ada moved back to the east coast when Ada was pregnant for the second time. The first time that Ada was pregnant, they experienced a life-changing tragedy, the stillbirth of the baby girl they called Button.

"After that, we wanted to be closer to family," says Caroline. They moved from Arizona to Providence, where Simon was born. He's a "super sweet and happy" three-year-old who "loves playing outside, pretending to be a wide variety of animals, and telling dramatic stories," laughs Caroline. She works full-time as an acupuncturist, while Ada works part time as a grief counselor. They juggle their work around Simon's pre-school schedule.

For both pregnancies, the longtime couple used in-home insemination and the same known donor. Rhode Island has no laws protecting children born through assisted reproduction. So although they were married they decided to doubly secure Caroline's relationship to Simon through a second-parent adoption.

Adoption is a lengthy and burdensome process. The first obstacle is cost, as the adoption process in Rhode Island is too complicated for most people to navigate without a

Caroline, Ada, Button & Simon

Moira, Hillary, & June



What happened to Moira and Hillary is the nightmare of every pregnant couple whose parental rights are not secured from the moment of birth.

The couple had long planned to have a child and got married as soon as it was legally possible in the District of Columbia, near their Maryland home. Moira got pregnant about a month after their wedding, and the couple went to a lawyer to jump-start a second parent adoption process for Hillary. Things were going well until Moira hit the 27-week mark in her pregnancy.

"I was diagnosed with severe pre-eclampsia and put on hospital bed rest for two weeks," she recalls. "It was very intense." Matters became more frightening when doctors determined that baby June would need to come into the world by emergency C-section at just 29 weeks.

When June was born, she was rushed to the neonatal intensive care unit. "I saw her for one blurry second," said Moira, who then underwent an emergency hysterectomy and was incapacitated. In the meantime, Hillary had no standing as a parent. Her second-parent adoption would not be complete for three months and her name was not on the birth certificate.

"The staff kindly let Hillary into the NICU with June," says Moira. "I was out and couldn't give her permission to make medical decisions for June. "So the NICU team had to go ahead and do what they thought was best, which was to intubate her. To say it was incredibly stressful doesn't begin to describe it."

Hillary adds, "Had we been at a different hospital, or had we interacted with different staff, I might have been shut out entirely. Even though things worked out, parents like us should not be at the mercy of chance."

This happened in Maryland, but it's exactly what can and does

happen in Rhode Island because of the state's outdated laws, which particularly impact unmarried parents. For children born to unmarried parents, a non-birth parent has no clear legal standing at the time of birth.

Once June was out of the woods, after a 3-month hospital stay, their family ordeal was still not over. Although June was meant to be quarantined at home, the couple had to bring her to court for the adoption one month after she was released from the hospital. Hillary finally was recognized as the full parent that she was and is, and June was well-protected legally.

Today, June is a happy, healthy 8-year-old, living in Providence and co-parented by Moira and Hillary, who have since divorced. "Junie is great," says Moira. "She swims laps, rides her bike, and plays soccer and basketball. She just got a new kitten."

Moira does not want to see her Rhode Island friends go through what her family did. "I was really shocked to learn that things aren't easier here, that parents still need to adopt their own children. It's ridiculous, and it needs to change so that all children are protected." Moira knows first-hand how important it is to secure parent-child relationships at birth so that parents have the ability to make critical decisions for their children's health and safety.

Julie & Sabra



“We had been trying to have a baby for a year and a half and we were so thrilled to become parents and welcome our precious baby into our lives,” say Julie and Sabra, two educators based in Providence. “We read everything we could get our hands on before and after the baby arrived, and researched nearly every decision we made about how to parent our child.”

But despite all their preparation, the new parents were faced with the difficult reality that even though they had been married for years, and both their names were on Oscar’s birth certificate, Julie’s status as a parent wasn’t completely secure. “In order to make sure that I would be legally recognized as Oscar’s parent, lawyers recommended to us that we pursue a second-parent adoption,” explains Julie.

Julie shares the details from the whole process: “The first step was waiting 6 months before pursuing adoption. Next, we had to hire a lawyer and our case was assigned to [the Department of Children, Youth, and Families]. I had to complete a medical exam, fingerprinting for a criminal background check, an extensive financial disclosure, three

“Having a social worker in our home was nerve-wracking... We felt incredibly vulnerable during that visit.”

letters of recommendation, and complete a 98-question open-ended survey. Finally, a DCYF social worker came to our house to conduct a home visit to determine my fitness as a parent.”

Julie wasn’t alone in the emotional turmoil – Sabra and Oscar



experienced it at her side. “Having a social worker in our home was nerve-wracking,” Sabra says of the visit. “Even though we believed we were good parents... we were still a same-sex couple and wondered if there was a chance that the social worker might deem two women not good enough to be parents. We felt incredibly vulnerable during that visit.”

Despite the turbulent beginnings of starting their family, there is so much to celebrate. Oscar just turned two years old. He’s “silly, playful, talking up a storm with the cutest little voice

and ways of pronouncing words,” Sabra says of her son. “He gets very excited about garbage day, because he likes to watch the truck pick up the trash. He also loves running and regularly runs races with himself in the living room.”

After everything that they’ve been through, Sabra and Julie have found

a routine in their full, busy lives. “Julie and I are both professors, which gives us the flexibility to each work from home a couple days a week.” One parent working at home gets Oscar ready for the day, makes his lunch and snack, and does daycare drop-off and pickup, while the other parent leaves early and returns later. “Then we all meet up at home in the evening to feed Oscar dinner and do his nighttime routine (bath, nursing, brushing teeth, stories). The weekends are the best because the three of us can be together and have time to play and not feel rushed.”

Julie and Sabra were able to get through the process to become a legally recognized family, but at the cost of becoming painfully aware of how much the law needs to change. “More and more same-sex parents are having children and need a path to fully protect their families,” explains Sabra. “This process needs to be streamlined in RI so that it is not an undue burden on families like ours.”

Rolfe, Edward, Genie & Teddy



Since he was very young, Rolfe knew he wanted to be a dad. “Virtually every decision I’ve made in my life has been to enable me to be a good parent,” he says – for Rolfe that included becoming a lawyer so he could make a good living, and marrying Edward.

“Eddie had always thought kids wouldn’t be possible for him,” says Rolfe. “Then we met and talked a lot about it, and realized it was possible.”

They are now the happy, proud parents of Genie and Teddy, both 18 months old. Genie is a cuddler and a big eater. Teddy is inquisitive and adventurous. They both love the neighbor’s dog. Eddie has become a stay-at-home dad and Rolfe took a less intense, 9-5 job so he can have plenty of family time.

Because of advances in assisted reproductive technology, creating a family has become possible for many LGBTQ couples and other people facing infertility. But Rhode Island does not make it easy for children born through assisted reproduction or surrogacy to achieve legal security with their parents.

Rolfe and Eddie became parents through surrogacy. They sought the help of a reputable surrogacy agency, because

“it was important to us that our surrogate be respected, well-treated, and not compromised in any way.” They were matched with a woman in Utah who carried their children conceived through egg donation. A year and a half ago, Rolfe and Eddie flew to Utah when she went into labor to be present for the birth of their children.

Why Utah? Because Utah is a state where both men could be recognized as legal parents at birth and have their names on the birth certificate, providing Genie and Teddy with the security of a legal relationship with both of their dads. “We just couldn’t take the chance that our family would ever not be together,” says Rolfe.

Rhode Island has no statutory guidance on or protections for surrogacy. This causes considerable uncertainty for intended parents like Rolfe and Eddie, and uncertainty in parentage was too big a risk for them to take.

In Rhode Island, dads like Rolfe and Eddie would not both be designated as parents on the birth certificate. Instead, they would have to go through an adoption process,

“Virtually every decision I’ve made in my life has been to enable me to be a good parent.”

meaning their children would not be protected from the moment of their birth. Other couples who have gone through the adoption process have also found it intrusive and in some cases insulting.

If Rolfe and Eddie decide to have more children, they would like to work with a surrogate in Rhode Island. “It would be amazing, and better for everyone, if we all lived close together and could share the experience. We’d also like to have an ongoing relationship with her, and her with the kids.”

For all of these reasons, they support the passage of the Rhode Island Uniform Parentage Act. “All families deserve protection and respect,” says Rolfe.

“Humiliating, invasive, expensive, and discriminatory.” That’s how Denise describes a process she and her wife Elana, the parents of two young children, feel they can’t do – second parent adoption. Instead, the Pawtucket residents want Rhode Island to fully protect their family by modernizing its laws governing parentage to make room for families like theirs.

Elana, a doctor, and Denise, a social worker, have been together since 2001 and married in Massachusetts in 2011. They wanted children together and decided to build their family using donor sperm. Denise gave birth to their son Ian in 2012. The family moved to Rhode Island in 2013 to make it possible for Elana to attend medical school at Brown University.

Denise’s delivery of their second child, daughter Leah in 2018, was difficult. Because Leah’s heart rate faltered, the medical team opted for an emergency C-section. Leah went immediately to the neo-natal intensive care unit (NICU), and for a few hours Denise was incapacitated and unable to be part of medical decisions for Leah. “We didn’t come to the hospital with our marriage license, and Elana wasn’t yet on the birth certificate,” says Denise. The hospital, thankfully, understood that Elana as a spouse was Leah’s parent and honored her choices for her baby.

Leah, now a year old, emerged healthy after surgery and 23 days in the NICU. She recently started walking, dances to music, and has a few words including “something I think is ‘brother,’” says Denise. Ian, now six, “adores his little sister.” He also likes climbing and hanging upside down, dinosaurs, trains, and reading.

Although marriage confers on Elana the “presumption of parentage” and her name is on Leah’s birth certificate, Rhode Island family lawyers recommend a co-parent adoption for non-biological parents like her to ensure that her legal relationship is protected and recognized in all jurisdictions. That’s because Rhode Island’s family

law is antiquated and has no way of legally recognizing many common contemporary family formations, like two parents of the same gender or parents who use assisted reproduction. To be fully protected under current laws, the family needs to do a co-parent adoption.



“We know there is risk here for Elana as a non-biological parent,” says Denise. The women worry when they travel to states that might not recognize their equal status as parents.

But they feel very strongly about not subjecting their family to the ordeal of adoption that they have seen many of their friends go through. “It’s insulting,” says Denise, “to have to prove yourself to be fit parents to your own children.”

“It’s frustrating that most people aren’t even aware that this is something so many families have to deal with, even though families are formed in so many different ways,” says Denise. “For Rhode Island to change the law would not only make our family safer, it would be extremely affirming for us and for our kids.”

Denise, Elana, Ian & Leah

FAQs

WHAT IS PARENTAGE?

Parentage refers to the legal parent-child relationship and is core to a child's stability and security. Legal parentage comes with a number of rights and responsibilities, such as custody, parenting time, decision-making, and providing care, financial support, and health insurance.

WHY IS SECURING LEGAL PARENTAGE IMPORTANT FOR CHILDREN AND PARENTS?

Establishing parentage quickly ensures that a child is secured to their parents for all purposes and increases clarity for all involved in a child's life. This is particularly important if a problem arises; for example, legal parents are able to make medical decisions, provide health insurance and other benefits, and ensure that their child inherits in the event of death.

HOW DOES THE CURRENT PARENTAGE LAW HARM RHODE ISLAND FAMILIES?

Because Rhode Island law hasn't kept up with all the ways contemporary families are formed, many children are left vulnerable without a secure tie to both their parents.

- Rhode Island's current law is over 40 years old. Only Mississippi and Kentucky have parentage laws this outdated.
- Current law has no protections for children born through assisted reproduction.
- Current law has no statutory guidance for

courts to resolve competing claims of parentage.

- Rhode Island law does not allow unmarried, non-biological parents to establish their parentage at birth like other families.
- Current law does not adequately protect LGBTQ couples, who face substantial barriers to establishing their legal parentage of their children.

HOW WILL UPDATING PARENTAGE LAW PROTECT RHODE ISLAND CHILDREN?

All children should be secure in their parentage, regardless of the circumstances of their birth. Updated parentage law makes establishing parental status more straightforward – which helps children. Many rights and responsibilities of a parent are only respected with an established legal tie to their child. If a child has only one legal parent and something should happen to that parent, the child may not be securely connected to their other parent, regardless of the length of the parent-child relationship or depth of their bond. That leaves children at risk.

Without recognition of legal parentage, a child may be held in limbo because their parent is not permitted to make medical decisions, pick them up from daycare or school, or travel with their parent. The child may even be removed from a parent's care if something happens to the other parent or there is a change in the parents' relationship status.



RI parentage law is over 40 YEARS out-of-date.

Only 2 other states have laws this outdated –
Kentucky and Mississippi.



Any of these events can be traumatic and damaging for a child, and all can be prevented by providing a straightforward path to parentage for all families.

WHAT ARE THE PATHS TO PARENTAGE IN THE PROPOSED BILL?

The Rhode Island Uniform Parentage Act will provide clear standards for determining parentage and ensure state law reflects the diversity of Rhode Island families. The RIUPA provides the following paths to parentage:

- birth
- adoption
- acknowledgment
- adjudication
- genetics
- assisted reproduction
- surrogacy
- de facto parentage
- presumptions (including a marital presumption)

DOES THE RHODE ISLAND UNIFORM PARENTAGE ACT MEET CONTEMPORARY BEST PRACTICES FOR CHILDREN AND FAMILIES?

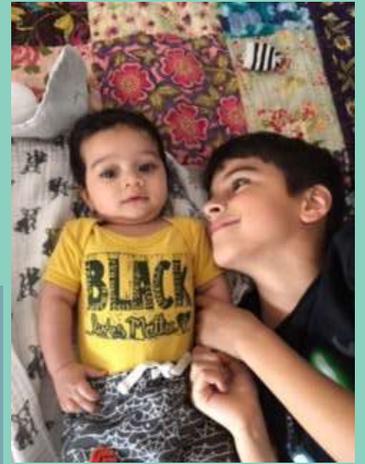
Yes. The RIUPA is a sensible update to Rhode Island parentage law that will ensure that all children have equal access to secure their parent-child relationships; that Rhode Island law reflects best practices and is constitutional; and that court practices are more accessible, efficient, and

consistent. The RIUPA is based on model best practice legislation.

WHO SUPPORTS THE RHODE ISLAND UNIFORM PARENTAGE ACT?

The RIUPA has been vetted by state, regional, and national experts on parentage and is the right bill to protect Rhode Island's children and families.

The RIUPA is supported by key stakeholders and child welfare, fertility, and LGBTQ advocates including the Academy of Adoption & Assisted Reproduction Attorneys, ACLU of Rhode Island Adoption Rhode Island, the American Academy of Pediatrics, Rhode Island Chapter, Brown College Democrats, College Democrats of Rhode Island, Fertility Within Reach, GLBTQ Legal Advocates & Defenders, LGBTQ Action Rhode Island, the National Association of Social Workers, Rhode Island Chapter, Planned Parenthood of Southern New England, New England Surrogacy, NOW Rhode Island, Resolve New England, Rhode Island Academy of Family Physicians, Rhode Island Affiliate of the American College of Nurse Midwives, the Rhode Island Coalition for Reproductive Freedom, the Rhode Island Medical Society, Rhode Island State Nurses Association, TGI Network Rhode Island, Thundermist Health Center, and the WOMXN Project.







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