

BILL SUMMARY

The Rhode Island Parentage Act updates Rhode Island law to clarify who can be a parent and how to establish parentage. These critical reforms recognize the diversity of families in Rhode Island and ensure that all children can have their legal parentage established regardless of the circumstances of their birth. The current Rhode Island parentage law is out-of-date and unconstitutional.

Now in Rhode Island, many children and families remain vulnerable because they have no clear route to establish their parentage. Rhode Island has no statutes clarifying parentage for children born through assisted reproduction and no statutes regarding parentage through surrogacy.

The Rhode Island Parentage Act is based on the Uniform Parentage Act of 2017, which is a model, uniform law that advises all states to ensure that their parentage statutes apply equally to LGBTQ families, among other suggested updates.

PATHS TO PARENTAGE UNDER THE RPA

A legal parent has all the rights and responsibilities of parentage. For children, being secured to their parents as soon after birth as possible is critical to their financial security and emotional well-being.

The bill provides for the following paths to legal parentage in RI: birth, adoption, acknowledgment, adjudication, genetics, assisted reproduction, surrogacy, de facto parentage, and presumptions (including a marital presumption). The bill provides clear standards for courts to apply to establish parentage.

KEY HIGHLIGHTS OF THE RPA

- The bill codifies de facto parentage. Since 2000, non-biological parents have been able to establish legal parentage as a de facto parent.
- Ensures that children born through assisted reproduction technology (such as in vitro fertilization) have a route to establish their parentage.
- Provides standards for establishing parentage through surrogacy.
- Ensures equality for LGBTQ parents so they can establish their parentage like other families, including through a voluntary acknowledgement of parentage.
- Provides a clear standard for courts to resolve competing claims of parentage.
- Improves access, efficiency and consistency in the courts.

Supporters include: LGBTQ Action RI, GLBTQ Legal Advocates & Defenders, RESOLVE New England, TGI Network of RI, NASW-RI, New England Surrogacy, Fertility Within Reach, Thundermist Health Center, Rhode Island Department of Human Services, Attorney Lise Iwon, Attorney Michael Grant, Courtney G. Joslin, Professor of Law, UC Davis School of Law*

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