



TESTIMONY OF GLBTQ LEGAL ADVOCATES & DEFENDERS
In Support of Raised Bill No. 6321
Connecticut Joint Committee on Judiciary
March 4, 2021

Dear Chairs Winfield and Stafstrom, Vice Chairs Kasser and Blumenthal, Ranking Members Kissel and Fishbein, and Members of the Joint Committee on Judiciary,

Thank you for the opportunity to submit testimony in support of **Raised Bill No. 6321, An Act Concerning the Adoption and Implementation of the Connecticut Parentage Act**. This bill is a critical and common-sense update to Connecticut's parentage law that promotes the security of all children and access to justice. Current Connecticut parentage law is outdated, unconstitutional, and leaves children and families vulnerable. This bill updates Connecticut law to be constitutional, clear, and best practice. By clearly articulating who can be a parent in Connecticut and how to establish parentage, this bill ensures that Connecticut parentage law recognizes, respects, and protects all of the diverse families that enrich this state.

As you know, GLAD is a New England-based legal organization dedicated to ending discrimination on the basis of gender identity and expression, HIV status, and sexual orientation. GLAD has a particular interest and long history in the protection and recognition of LGBTQ families, particularly ensuring that the lives of children are stable and secure. In Connecticut, GLAD has been involved in groundbreaking family law cases, including *Kerrigan v. Comm'r of Pub. Health*, 289 Conn. 135, 957 A.2d 407 (2008) and *Raftopol v. Ramey*, 299 Conn. 681, 12 A.3d 783 (2011). In other New England states, GLAD has successfully litigated cases to protect children born into same-sex relationships, including in Massachusetts (*Partanen v. Gallagher*, 475 Mass. 632, 59 N.E.3d 1133 (Mass. 2016); *Hunter v. Rose*, 463 Mass. 488, 975 N.E.2d 857 (Mass. 2012)), New Hampshire (*In re Guardianship of Madelyn B.*, 166 N.H. 453, 98 A.3d 494 (N.H. 2014)), Rhode Island (*Rubano v. DiCenzo*, 759 A.2d 959 (R.I. 2000); *In Re Parentage of a Minor Child*, No. 2015-0877-1 (R.I. Fam. Ct. Oct. 26, 2016), <https://www.glad.org/wp->

content/uploads/2017/01/in-re-parentage-minor-decision-10-26-16.pdf), and Vermont (*Baker v. State*, 170 Vt. 194, 744 A.2d 864 (Vt. 1999); *Miller-Jenkins v. Miller-Jenkins*, 180 Vt. 441, 912 A.2d 951 (Vt. 2006); *Sinnott v. Peck*, 2017 Vt. 115, 2017 Vt. LEXIS 133 (Vt. 2017)).

Beyond the courtroom, GLAD has successfully worked in coalition on legislation promoting the security of children regardless of the circumstances of their birth, including children born through assisted reproduction, to non-marital parents, and to LGBTQ parents. My colleague Mary Bonauto collaborated in drafting the statute that became the Maine Parentage Act, 19-A M.R.S. §1831 et seq., a comprehensive update to Maine’s parentage statutes enacted in 2015. In the 2017-2018 legislative session, I collaborated with stakeholders in Vermont to pass the Vermont Parentage Act (“VPA”). *See* H. 562, Reg. Sess. (Vt. 2018). Effective July 2018, the VPA modernized decades-old statutes and added to Vermont law critical advances designed to protect children, including de facto parentage, a non-marital presumption of parentage, access to parentage through assisted reproduction, access to parentage through surrogacy, and access to parentage through a gender-neutral voluntary acknowledgment of parentage (VAP). *See* 15C V.S.A. In 2020, I worked in coalition to pass the Rhode Island Uniform Parentage Act which comprehensively updated Rhode Island parentage laws that had no protections for non-marital LGBTQ parents, no protections for children born through assisted reproduction and no protections for those involved in surrogacy. *See* R.I. Gen. Laws §15-8.1. Also in 2020, I worked in New Hampshire to ensure that children born through assisted reproduction have access to decrees of legal parentage and to expand access to adoption for unmarried couples. *See* H. 1162, 2020 Leg., Reg. Sess. (N.H. 2020). Currently, I serve on the Uniform Law Commission’s national Uniform Parentage Act Enactment Committee, and I am actively involved in legislative efforts on parentage in Massachusetts. GLAD is deeply engaged in and committed to best-practice parentage legislation that protects all children, regardless of the circumstances of their birth or the marital status, gender or sexual orientation of their parents.

The rapid clip of changes in society and family creation have outpaced Connecticut’s parentage law. For example, as in all states, non-marital births are common in Connecticut,

where 37.1% of all births in 2018 (12,878 out of 34,725) were births to unmarried people.¹ Additionally, births from assisted reproductive technology are becoming increasingly common. In 2016, 3.9% of all Connecticut births involved the use of assisted reproductive technology (1,392 out of 36,015 births), which is the second highest percentage in the United States.² Despite these realities, Connecticut law does not protect children born through assisted reproduction to non-marital couples, Connecticut has no parentage statutes protecting children born through surrogacy, and Connecticut law has no protections for children born to non-marital, non-biological parents. **In fact, Connecticut is the only New England state without any protections for unmarried, non-biological parents.**³ The current status of the law creates significant vulnerabilities and harms for Connecticut children and their families. Comprehensive legislation is needed to provide clarity for courts and equal protections for children, regardless of the circumstances of their birth.

Through this bill, the Legislature will respond to the needs of children and families for clarity, stability, and equality in their family relationships. Substantively, this bill aligns with the Uniform Parentage Act 2017 and the Vermont Parentage Act 2018, and it incorporates the input of numerous Connecticut stakeholders. Through its provisions, the proposed Connecticut Parentage Act provides a clear and comprehensive framework for determining legal parentage that is accessible and consistent. The bill also addresses the realities of Connecticut families today, particularly the increased use of assisted reproduction and surrogacy to create families, and ensures equality for all children and families by not discriminating on the basis of marital

¹National Vital Statistics Reports, CDC, Vol. 68, No. 13, November 27, 2019, Table I-7.

² Assisted Reproductive Technology Surveillance – United States, 2016, CDC, Apr. 26, 2019, Table 3.

³ New England Paths to Parentage, GLAD, <http://www.glad.org/nep/> (last visited Mar. 4, 2020). New Hampshire has a non-marital presumption of parentage that applies equally regardless of gender or genetic connection. N.H. Rev. Stat. Ann. § 168-B:2; *In re Guardianship of Madelyn B.*, 166 N.H. 453, 98 A.3d 494 (2014). Maine has a non-marital presumption of parentage and de facto parentage. Me. Rev. Stat. tit. 19-A, §§ 1881, 1891. Massachusetts has expanded VAPs and a non-marital presumption of parentage that applies regardless of gender or genetic connection. G. L. c. 209C, § 6(a)(4); *Partanen v. Gallagher*, 475 Mass. 632 (2016). Rhode Island recognizes de facto parents as equal legal parents. *See Rubano v. DiCenzo*, 759 A.2d 959 (R.I. 2000). Finally, Vermont statutes have expanded VAPs, a non-marital presumption as well as de facto parentage. Vt. Stat. Ann. tit. 15C, § §301, 401, 501.

status or gender. The Connecticut Parentage Act would clarify who can be established as a parent in Connecticut and how to establish that legal parentage. The proposed statutory scheme does not disturb established law regarding parental rights and responsibilities; rather, courts maintain the discretion to assess the best interests of children and parental rights and responsibilities.

I write to highlight certain provisions of Raised Bill 6321 that increase the stability, security, and well-being of children born to LGBTQ families.

- Section 19 clearly lays out various routes to parentage, and Section 20 affirmatively pronounces as the public policy of Connecticut that parent-child relationships should be accessed equally, regardless of marital status or gender of the parents or the circumstances of the child's birth.
- Sections 24-35 address Voluntary Acknowledgments of Parentage and ensure that parents who are LGBTQ and conceive through assisted reproduction have equal access to the simple, administrative route to parentage that has long been available and used by different-gender non-marital couples. VAPs establish parentage of children administratively and outside the court system. Allowing equal access to this method of establishing parentage will provide greater stability for children and increase efficiency in the courts. In New England, these protections exist already in Massachusetts, Rhode Island and Vermont, and it is critical to ensure Connecticut keeps pace.
- The provisions relating to presumed parentage — Sections 36-37 — clarify who qualifies as a presumed parent. These provisions ensure that the marital presumption clearly protects children of marital LGBTQ parents and also secures protection for the children of non-marital couples who have jointly parented their children, ensuring that children of non-marital parents do not fall through the cracks. The non-marital presumption of parentage exists already in every other New England state including Maine, Massachusetts, New Hampshire, Rhode Island and Vermont, and it is critical that Connecticut also has clear protection for these relationships.
- Sections 38-39 address de facto parentage and ensure that a child can maintain a relationship with a person who came into their life after birth and has become their

parent. De facto parent protections exist throughout New England and provide important stopgaps to ensure that a child is not separated from a person who has become their parent.

- Provisions addressing how to resolve competing claims of parentage — including Section 23 — will provide helpful guidance to courts and allow courts, in their discretion and in certain limited instances, to determine that a child can have more than two parents.
- Provisions regarding parentage through assisted reproduction — Sections 51-59 — clarify how to establish parentage of children born through the use of assisted reproduction, which is conception without sexual intercourse. This means of conception is used by non-LGBTQ people and LGBTQ people alike. Connecticut currently only provides protections to *marital* children born through assisted reproduction, and it is vitally important that the law equally protects all children born through assisted reproduction.
- Provisions regarding parentage through surrogacy agreements — Sections 60-77 — provide for a process and protections for all those involved in surrogacy arrangements. Clear statutory guidance for surrogacy agreements protects all parties involved and will encourage consistency in the courts.

GLAD enthusiastically supports the proposed Connecticut Parentage Act and believes that this legislation promotes the security of Connecticut's children and ensures greater clarity, efficiency, and fairness in Connecticut courts. Thank you for the opportunity to provide testimony, and please do not hesitate to contact me with questions or for additional information.

Respectfully submitted,

A handwritten signature in black ink, appearing to be the name 'Patience Crozier', with a long horizontal flourish extending to the right.

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