

H 5226/S 0121

A bill to provide greater security to Rhode Island children and protect LGBTQ+ families by ensuring access to confirmatory adoption



H 5226 was introduced by Representatives Kislak, Shekarchi, McEntee, Kazarian, Edwards, Craven, Caldwell, Vella-Wilkinson, Batista, and Ajello

S 0121 was introduced by Senators Euer, Murray, Mack, Pearson, Kallman, LaMountain, Lauria, McKenney, Acosta, and MillerDate

H 5226/S 0121 is a straightforward and common-sense bill that promotes access to adoption and enables more children to be secured to their parents in all jurisdictions.

- Adoption is an important path to parentage in Rhode Island. Rhode Island's current adoption statute was written for individuals seeking to establish parentage, not confirm parentage.
- This bill ensures access to confirmatory adoption for Rhode Islanders who are already parents of their children. Confirmatory adoption is important for LGBTQ+ families and other families who need to confirm their parentage through an adoption decree. An adoption decree ensures recognition of parentage throughout all jurisdictions. After the Dobbs case in the U.S. Supreme Court, it is even more important for LGBTQ+ families to have access to legal protections for their families.
- Under current adoption law, LGBTQ+ parents who wish to confirm parentage through adoption are forced to go through burdensome and unnecessary steps to adopt their own children. These steps can include an invasive home study or investigation, a minimum period of residency in the home, an in-person court hearing, and more.
- These additional steps – which aren't appropriate for people who are already parents to their children – can extend the time it takes to secure a confirmatory adoption and can make such an adoption entirely out-of-reach for some families because of cost. This leaves children and families vulnerable.
- For parents seeking an adoption to confirm, rather than to establish their parentage, H 5226/S 0121 would eliminate unnecessary requirements and provide a streamlined path for such parents to petition a court for an adoption decree.

H 5226/S 0121 is a crucial next step to protecting LGBTQ+ families and children born through assisted reproduction in Rhode Island, particularly in light of the US Supreme Court's Dobbs ruling.

- In 2020, Rhode Island took a landmark step in protecting children and families by passing the Rhode Island Uniform Parentage Act. The RIUPA updated the state's 40-year-old parentage statute to create an accessible path to parentage for children born through assisted reproduction, to provide protections for children born through surrogacy, and to allow LGBTQ+ couples access to establishing parentage through a civil Voluntary Acknowledgement of Parentage.
- While the RIUPA provides important protections to children, parents, and families in Rhode Island, LGBTQ+ families remain at risk across the country. The 2022 Dobbs Supreme Court ruling has created fear among many LGBTQ+ people about the ongoing security of their marriages and their families.
- Many LGBTQ+ families seek access to adoption to secure their children, which is particularly important if they travel or move outside Rhode Island. Rhode Island should enact this bill to ensure that these parents can do whatever it takes to protect their children. Similar confirmatory adoption statutes have passed in other states, including California, Maryland, New Hampshire, and New Jersey.

As attacks escalate across the country, it is crucial that Rhode Island does all it can to protect LGBTQ+ people and families. Passing H 5226/S 0121 is an important step the legislature can take this session.

- LGBTQ+ people and families are scared.
- Since the Dobbs ruling last June, we have seen more than 400 anti-LGBTQ+ bills introduced in states across the country.
- We have also seen courts in states like Oklahoma, Michigan, and Pennsylvania move to rip children away from marital, non-birth parents who planned for them and raised them, because those courts said they did not meet the definition of a legal parent under their outdated and gendered state laws. A court would not be able to ignore a decree of adoption in such a case.
- By passing H 5226/S 0121 to make it accessible for more Rhode Island parents to secure a confirmatory adoption, the state will be protecting families both at home and when they move or travel to another jurisdiction.