

An Act to Ensure Legal Parentage Equality

H. 1713 – Lead sponsors Rep. Sarah Peake and Rep. Hannah Kane

S. 497 – Lead Sponsors Sen. Julian Cyr and Sen. Bruce Tarr

Section by Section Summary - April 2023

<u>Section #</u>	<u>Amends</u>	<u>Summary</u>
1	Title of Chapter 209C (new title)	Changes title from “Children born out of wedlock” to “Nonmarital children and parentage of children” to have a comprehensive title for Chapter 209C. Replaces antiquated language with the term nonmarital children, the current term used by the courts, and reflects that chapter comprehensively addresses establishment of legal parentage of children regardless of the circumstances of their birth (e.g. assisted reproduction, surrogacy, and de facto parentage).
2	G.L. c. 209C, §1A (new section)	Adds non-discrimination language to ensure equality in legal parentage for all children based on the circumstances of the birth and on the basis of gender, sexual orientation, and gender identity of their parents; summarizes the ways legal parentage can be established; and updates definitions to be inclusive.
3	G. L. c. 209C, § 5	Codifies that presumed parents and parents through assisted reproduction can establish legal parentage through “Voluntary Acknowledgments of Parentage” (VAP), the administrative route to legal parentage that receives full faith and credit in all states. (Codifies <i>Partanen v. Gallagher</i> , 2016)
4	G. L. c. 209C, § 6	Provides guidance to the probate and family court for how to address challenges to presumptions of parentage, as recommended by the Uniform Parentage Act (UPA) of 2017.
5	G. L. c. 209C, § 11	Updates language of VAP provision so that presumed parents and intended parents through assisted reproduction can secure legal parentage through a VAP in alignment with MA precedent and as recommended by UPA 2017.
6	G. L. c. 209C, § 11	Updates language of VAP provision so that key language is gender inclusive.
7	G. L. c. 209C, § 11	Updates language of VAP provision so that key language about a VAP being equivalent to a judgment of legal parentage is gender inclusive.
8	G. L. c. 209C, § 11	Amends language of VAP provision so genetic testing after rescission of a VAP applies when parentage is through genetic connection but not where children are born through assisted reproduction.
9	G. L. c. 209C, § 11	Updates language of VAP provision to ensure MA law clearly includes federal requirement that a VAP is the equivalent of a judgment of legal

		parentage and that MA courts should give full faith and credit to valid VAPs from other states.
10	G. L. c. 209C, § 25 (new section)	Adds a statutory provision codifying the 1999 court-created status of de facto parentage to ensure a high standard (clear & convincing evidence of 7 factors), equal legal parentage (as in many other states) and with substantial protections for survivors of domestic violence.
11	G. L. c. 209C, § 26 (new section)	Adds a statutory provision currently missing from MA law providing guidance to courts on how to resolve competing claims of legal parentage.
12	G. L. c. 209C, § 27 (new section)	Adds a statutory provision for the establishment of legal parentage of children born through assisted reproduction, codifying MA precedents such as <i>Okoli v. Okoli</i> , 81 Mass. App. Ct. 371 (2012), <i>Hunter v. Rose</i> , 463 Mass. 488 (2012), and <i>Adoption of a Minor</i> , 471 Mass. 373 (2015) and as recommended by UPA 2017 and codified in other states.
13	G. L. c. 209C, §§ 28A-28Q (new sections)	Adds statutory provisions for the establishment of legal parentage of children born as a result of a surrogacy agreement. Provisions 28A through 28Q provide guidance to courts, lawyers, individuals acting as surrogates and intended parents on parentage by consent to surrogacy as requested by the Supreme Judicial Court in cases including <i>Adoption of Daphne</i> , 484 Mass. 421 (2020) and <i>Culliton v. Beth Israel Deaconess Medical Center</i> , 435 Mass. 285 (2001). Aligns with CT Parentage Act and UPA 2017.

Additional Resources for Reference:

Connecticut Parentage Act of 2021: <https://www.cga.ct.gov/2021/ACT/PA/PDF/2021PA-00015-R00HB-06321-PA.PDF>

Rhode Island Uniform Parentage Act of 2020:

<http://webserver.rilegislature.gov/Statutes/TITLE15/15-8.1/INDEX.HTM>

New Hampshire Parentage law (updated 2020):

<http://www.gencourt.state.nh.us/rsa/html/NHTOC/NHTOC-XII-168-B.htm>

Vermont Parentage Act of 2018:

<https://legislature.vermont.gov/statutes/section/15C/005/00501>

Maine Parentage Act of 2015:

<https://legislature.maine.gov/statutes/19-A/title19-Ach61sec0.html>

Uniform Parentage Act of 2017:

<https://www.uniformlaws.org/viewdocument/final-act-with-comments-61?CommunityKey=c4f37d2d-4d20-4be0-8256-22dd73af068f&tab=librarydocuments>

Massachusetts Parentage Act Coalition: www.massparentage.org