

November 29, 2023

The Honorable James B. Eldridge

Senate Chair, Joint Committee on The Judiciary

The Honorable Michael S. Day

House Chair, Joint Committee on The Judiciary

Dear Senate Chair Eldridge, Senate Vice Chair Edwards, House Chair Day, House Vice Chair Barber, and Members of the Judiciary Committee,

The Children's League of Massachusetts (CLM) is a statewide non-profit association of almost 60 private and public organizations that collectively advocate for the availability, accessibility, and quality of services that are in the best interest of the Commonwealth's children, youth, and families.

We are writing today **in support of "An Act to Ensure Legal Parentage Equality,"** otherwise known as the Massachusetts Parentage Act (MPA).

The MPA will update the parentage law in the Commonwealth, ensuring that all Massachusetts children have equal access to legal parent-child relationships, regardless of the circumstances of their birth, or the marital status, gender, or sexual orientation of their parents. The Uniform Parentage Act (UPA) first passed in 1973 to protect children born to unmarried people and revised in 2017, is a best-practice framework on which this bill is based. Every other New England state has comprehensive parentage protections in their statutes, as they are critical to the security and well-being of children. Massachusetts case law has evolved in this area, but none of those protections have been codified in our statutes. This legislation would end the inconsistent application of the law across the Commonwealth that leaves children vulnerable.

The MPA clarifies the following critical paths to parentage: birth, adoption, acknowledgment, adjudication, genetics, assisted reproduction (such as in vitro fertilization), surrogacy, de facto parentage, and presumptions (including a marital presumption) and provides clear standards to establish parentage under each path. Additional highlights of the MPA include as follows:

- Ensures equality for LGBTQ families 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; codifies parentage precedents from the Supreme Judicial Court; and ensures greater efficiency and consistency in our courts, including to reduce unnecessary litigation.

For adoptive families of all compositions, and youth with complex kinship parentage relationships, this legislation will smooth the pathway to permanency for these families and reduce the backup of cases in the family court system.


Illustrating the need for the MPA to protect children and parents with true bonds and appropriate care established through de facto parenting is the heartbreaking experience of [J.](#)

[Shia](#) as shared by GLAD (Legal Advocates and Defenders). J cared for her former partner's biological child as her own son for four years, but an intervention involving his biological mother's younger children led him to be sent to foster care where he suffered abuse and then back to his biological mother where he again suffered abuse. Ultimately guardianship became their way forward, but it does not provide legal protections of parentage that they would benefit from because currently de facto parenting relationships are not protected. If these lifelong commitments and protections provided by de facto parents were given the legal status they deserve, our system can prevent unnecessary trauma and some strains on our child welfare and courts systems.

Additionally, with the rise of assisted reproduction and surrogacy, some children and parents are having to wait six months or longer to establish their parent-child relationship, which leaves children and families vulnerable. Another story shared by GLAD is that of [Karen and her former partner](#) who lived together in Florida when they had children together using assisted reproductive technology. Karen was not able to be considered a biological parent or become an adoptive parent under the laws there. The family moved back to Massachusetts during the 13 years of raising their children together before separating. The other parent tried to bar Karen from a permanent schedule of seeing their children. It took years of family court battles with great expense and stress over the threat of a parent and children never seeing each other again to resolve their custody plans. We can prevent such trauma and protect families through passing the MPA.

Thank you for your consideration of our testimony in support of the MPA. We ask that you report the bill favorably and work for its passage without delay.

Sincerely,



Rachel Gwaltney
Executive Director
Children's League of Massachusetts