



**Statement by Chris Erchull,
Staff Attorney, GLBTQ Legal Advocates & Defenders (GLAD),
before the House Committee on Health, Human Services and Elderly Affairs
in Support of House Bill 1162,
An Act Relative to Adoption and Parentage**

Honorable Chairperson Long and Members of the Committee:

I am grateful for the opportunity to testify in support of House Bill 1162, entitled An Act Relative to Adoption and Parentage. This legislation would close a gap that prevents some children born in New Hampshire from the benefits of adoption by two loving parents. It is a technical bill that amends an outdated statute to provide security to more children.

As an attorney with GLBTQ Legal Advocates & Defenders (GLAD), New England's leading legal rights organization dedicated to ensuring legal equality for LGBTQ people and people living with HIV, I can attest to the importance of ensuring that all children have the right to a legally recognized parentage relationship with the parents who love them and care for them. In fact, in 2014, GLAD argued this point before the New Hampshire Supreme Court, resulting in the landmark *Madelyn B.* decision, wherein the Court acknowledged that: “[T]he state has a strong interest in ensuring that a child will be cared for, financially and otherwise, by two parents.”¹

House Bill 1162 is a straightforward solution to the current gap in two statutes,² which will ensure that more children will have legal relationships with their parents. In a recent decision, the New Hampshire Supreme Court drew attention to the anachronistic omission of unmarried couples from the adoption statute.³ HB 1162 fixes the problem highlighted by the court by allowing two co-parents to adopt a child jointly, without respect to their marital status.

The confirmatory adoption provision of HB 1162 offers a solution to another problem by providing a means for a couple to obtain a court order or a confirmatory adoption where the child was conceived via assisted reproduction. Confirmatory adoption is recommended for any same-sex parent who is not the biological parent of the child, even if the parent is named on the birth certificate.⁴ Court orders declaring parentage are similarly subject to the Full Faith and Credit clause of the U.S. Constitution.⁵

¹ See *In re Guardianship of Madelyn B.*, 166 N.H. 453, 460 (2014) (quoting from *Chatterjee v. King*, 280 P.3d 283, 292 (N.M. 2012)).

² RSA 170-B (Adoption) and RSA 168-B (Surrogacy).

³ *In re J.W.*, 172 N.H. 332, 340 (2019) (“[A]lthough we recognize that the modern family has taken on many different forms, it is the legislature’s prerogative—subject to constitutional limitations—to limit eligibility to adopt to those categories of individuals that it believes are most likely ‘to provide a unified and stable household for the child to be adopted’” [quoting from *In re Jason C.*, 129 N.H. 762, 764 (1987)]).

⁴ New Hampshire adoptions are recognized in every other state, as mandated by the Supreme Court of the United States. See *V.L. v. E.L.*, 136 S. Ct. 1017, 1020 (2016) (“A State may not disregard the judgment of a sister State because it disagrees with the reason underlying the judgment or deems it to be wrong on the merits”).

⁵ U.S. Const. art. V, § 1 (“Full Faith and Credit shall be given in each State to the . . . judicial Proceedings of every other State”).

I urge you to vote ought to pass on HB 1162 to make technical corrections to New Hampshire's adoption law and to further the State's interest in ensuring that all of New Hampshire's children share the benefits of secure legally recognized relationships with their parents.

February 4, 2020

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