

June 27, 2022

House Chair Mike Day Senate Chair Jamie Eldridge Joint Committee on Judiciary Massachusetts Legislature State House Boston, MA 02133

Via Email

Re: Massachusetts Parentage Act (S 1133 / H 1714)

Dear Chair Day, Chair Eldridge, Vice Chair Tyler, Vice Chair Lesser, and Members of the Judiciary Committee:

We are strong supporters of the Massachusetts Parentage Act (MPA), and we write to urge the Judiciary Committee to act favorably on the MPA by the deadline of June 30.

No doubt you are familiar with the U.S. Supreme Court's <u>Dobbs</u> decision that issued on Friday and are already thinking about how to respond to it in the Commonwealth. Thank you. It is obviously devastating for millions of women and girls and for anyone who can become pregnant.

The majority opinion's historical methodology looks to law and rights at the times of the Founding and the ratification of the 14th Amendment to ascertain which unenumerated rights are protected by the Constitution. This methodology for ascertaining protected liberties, and the invitation in Justice Thomas's concurrence to take up <u>Obergefell v. Hodges</u> (marriage equality) and <u>Lawrence v. Texas</u> (LGBTQ intimacy), are causing serious concern for LGBTQ people worried about their family relationships. Even this weekend we have heard from numerous Massachusetts residents very worried for their children and families.

This anxiety is heightened in Massachusetts because of significant gaps in our core family law protections for LGBTQ families and their children as compared to other states in New England. The Massachusetts Parentage Act is critically important to protect children born to LGBTQ families. The MPA will ensure, among other things, the following key protections:

- Expanded access to voluntary acknowledgments of parentage so that children born into marriages (same or different sex couples) and children born through assisted reproduction can be secured from the moment of birth to their parents.
- Protections for children born through assisted reproduction so that marital and nonmarital children alike are protected.
- Protections for children born through surrogacy.
- Inclusion of LGBTQ families in our core "paternity" laws so that these laws are genderinclusive and protect all children regardless of the sexual orientation or gender identity of their parents.
- Access to the security of legal parentage for children of de facto parents.

Massachusetts parentage law – which was largely legislated in the 1980s with certain casespecific judicial interventions since then – is outdated and leaves LGBTQ families and others unprotected and many children vulnerable. The MPA is based on a best-practice model parentage law - the UPA 2017 - and ensures that Massachusetts statutes protect all children.

We urge you to act on our shared values of affirming and protecting all families, including LGBTQ families. Please report the MPA favorably in its current form by June 30, 2022. Coalition co-chairs, Polly Crozier of GLBTQ Legal Advocates & Defenders (pcrozier@glad.org) and Kate Weldon LeBlanc of Resolve NE (kwleblanc@resolvenewengland.org), are available at any time to discuss language and to work with you to move this important legislation forward.

We look forward to hearing from you, and we are grateful for your work to protect the fundamental rights of all people in the Commonwealth.

Towards parentage equality,

The Massachusetts Parentage Act coalition children and families and including Academy of Adoption & Assisted Reproduction Attorneys ACLU of Massachusetts American Society for Reproductive Medicine Association of Family & Conciliation Courts Massachusetts BAGLY Bay State Stonewall Democrats Black and Pink Massachusetts Jay Blitzman, First Justice Middlesex Juvenile Court Division, Ret. Boston IVF Cappelli Law LLC Center for Surrogacy & Egg Donation Children's Law Center of Massachusetts Circle Surrogacy & Egg Donation Citizens for Juvenile Justice COLAGE Committee for Public Counsel Services (CPCS) Conceiveabilities Family Equality Fenway Health Fertility within Reach Friends of Children **GLBTQ Legal Advocates & Defenders** Greater Boston Family Law Inn of Court Greater Boston PFLAG Kauffman Law & Mediation Keshet Massachusetts Advocates for Children Massachusetts Chapter of the American Academy of Pediatrics Massachusetts Gay & Lesbian Caucus Massachusetts LGBTQ Bar Association Massachusetts Medical Society Massachusetts PPD Fund Massachusetts Society for the Prevention of Cruelty to Children Massachusetts Transgender Political Coalition MassEquality Mental Health Legal Advisors Committee Modern Family Law National Association of Social Workers -MA Chapter New England Fertility Society Nichols, DeLisle & Lightholder OUT MetroWest Prager, Sarah Reproductive Equity Now **Resolve New England** Roxbury Youthworks, Inc. SeedTrust