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H.98

Introduced by Representatives Rachelson of Burlington, Arsenault of
Williston, Christie of Hartford, Goodnow of Brattleboro,
Headrick of Burlington, and LaLonde of South Burlington

Referred to Committee on

Date:

Subject: Adoption; confirmatory adoption

Statement of purpose of bill as introduced: This bill proposes to establish an
expedited confirmatory adoption process for parents who conceived a child
through assisted reproduction and are parents under State law.

An act relating to confirmatory adoptions

It is hereby enacted by the General Assembly of the State of Vermont:

~~Sec. 1. 15A V.S.A. § 1-114 is added to read:~~

§ 1-114. CONFIRMATORY ADOPTION FOR CHILDREN BORN

THROUGH ASSISTED REPRODUCTION

(a) As used in this section:

(1) “Assisted reproduction” means a method of causing pregnancy other
than sexual intercourse and includes:

(A) intrauterine, intracervical, or vaginal insemination;

(B) donation of gametes,

1 (C) donation of embryos;
2 (D) in vitro fertilization and transfer of embryos; and
3 (E) intracytoplasmic sperm injection.
4 (2) "Marriage" includes civil union and any legal relationship that
5 provides substantially the same rights, benefits, and responsibilities as
6 marriage and is recognized as valid in the state or jurisdiction in which it was
7 entered.
8 (3) "Petitioners" means the persons filing a petition for adoption in
9 accordance with this section.
10 (b) Whenever a child is born as a result of assisted reproduction and the
11 person or persons who did not give birth are a parent pursuant to 15C V.S.A.
12 § 703 or presumed parent pursuant to 15C V.S.A. § 401 and the parents seek to
13 file a petition to confirm parentage through an adoption of the child, the court
14 shall permit the parents to file a petition for adoption in accordance with this
15 section.
16 (c) A complete petition shall comprise the following:
17 (1) the petition for adoption signed by all parties;
18 (2) a copy of the petitioners' marriage certificate, if petitioners are
19 married;
20 (3) a declaration signed by the person who gave birth and the person
21 who did not give birth explaining the circumstances of the child's birth

1 ~~through assisted reproduction, attesting to their consent to assisted~~

2 reproduction, and attesting that no competing claims of parentage exist; and

3 (4) a certified copy of the child's birth certificate.

4 (d) A complete petition for adoption, as described in subsection (c) of this
5 section, shall serve as the petitioners' written consents to adoption and no
6 additional consent or notice shall be required.

7 (e) If the petitioners conceived through assisted reproduction with donor
8 gametes or donor embryos pursuant to 15C V.S.A. chapter 7, the court shall
9 not require notice of the adoption to the donor or consent to the adoption by
10 the donor.

11 (f) Unless otherwise ordered by the court for good cause shown and
12 supported by written findings of the court demonstrating good cause, for
13 purposes of evaluating and granting a petition for adoption pursuant to this
14 section, the court shall not require:

15 (1) an in-person hearing or appearance;

16 (2) an investigation or home study by, a notice to, or the approval of the
17 Department for Children and Families;

18 (3) a criminal-record check;

19 (4) verification that the child is not registered with the federal register
20 for missing children or the central register; or

21 (5) a minimum residency period in the home of the petitioners.

1 ~~(c) The court shall grant the adoption under this section and issue an~~
2 adoption decree within 30 days upon finding that:

3 (1) for marital parents, the parent who gave birth and the spouse were
4 married at the time of the child's birth and the child was born through assisted
5 reproduction; or

6 (2) for nonmarital parents:

7 (A) the person who gave birth and the nonmarital parent consented to
8 the assisted reproduction; and

9 (B) there are no competing claims of parentage or that any other
10 person with a claim to parentage of the child who is required to be provided
11 notice of, or who must consent to, the adoption has been notified or provided
12 consent to the adoption.

13 (h) A petition to adopt a child pursuant to this section shall not be denied
14 on the basis that any of the petitioners' parentage is already presumed or
15 legally recognized in Vermont.

16 (i) When parentage is presumed or legally recognized pursuant to
17 15C V.S.A. § 201, the fact that the parties did not petition for adoption
18 pursuant to this section shall not be considered as evidence when two or more
19 presumptions conflict, nor in determining the best interests of the child.

20 Sec. 2. EFFECTIVE DATE

21 ~~This act shall take effect on September 1, 2025.~~

Sec. 1. 15A V.S.A. § 1-114 is added to read:

§ 1-114. CONFIRMATORY ADOPTION FOR CHILDREN BORN
THROUGH ASSISTED REPRODUCTION

(a) As used in this section:

(1) “Assisted reproduction” means a method of causing pregnancy other than sexual intercourse and includes:

(A) intrauterine, intracervical, or vaginal insemination;

(B) donation of gametes;

(C) donation of embryos;

(D) in vitro fertilization and transfer of embryos; and

(E) intracytoplasmic sperm injection.

(2) “Donor” means a person who contributes a gamete or gametes or an embryo or embryos to another person for assisted reproduction or gestation, whether or not for consideration. This term does not include:

(A) a person who gives birth to a child conceived by assisted reproduction except as otherwise provided in 15C V.S.A. chapter 8; or

(B) a parent under 15C V.S.A. chapter 7 or an intended parent under 15C V.S.A. chapter 8.

(3) “Marriage” includes civil union and any legal relationship that provides substantially the same rights, benefits, and responsibilities as

marriage and is recognized as valid in the state or jurisdiction in which it was entered.

(4) "Petitioners" means the persons filing a petition for adoption in accordance with this section.

(b) Whenever a child is born as a result of assisted reproduction and the person or persons who did not give birth are a parent pursuant to 15C V.S.A. § 703 or presumed parent pursuant to 15C V.S.A. § 401 and the parents seek to file a petition to confirm parentage through an adoption of the child, the court shall permit the parents to file a petition for adoption in accordance with this section.

(c) A complete petition shall comprise the following:

(1) the petition for adoption signed by all parents;

(2) a copy of the petitioners' marriage certificate, if petitioners are married;

(3) a declaration signed by the parents explaining the circumstances of the child's birth through assisted reproduction, attesting to their consent to assisted reproduction, and stating that there are no other persons with a claim to parentage of the child under Title 15C; and

(4) a certified copy of the child's birth certificate.

(d) A complete petition for adoption, as described in subsection (c) of this section, shall serve as the petitioners' written consents to adoption and no additional consent or notice shall be required.

(e) If the petitioners conceived through assisted reproduction with donor gametes or donor embryos, the court shall not require notice of the adoption to the donor or consent to the adoption by the donor.

(f) Unless otherwise ordered by the court for good cause shown and supported by written findings of the court demonstrating good cause, for purposes of evaluating and granting a petition for adoption pursuant to this section, the court shall not require:

(1) an in-person hearing or appearance, although the court may require a remote hearing;

(2) an investigation or home study by, a notice to, or the approval of the Department for Children and Families;

(3) a criminal-record check;

(4) verification that the child is not registered with the federal register for missing children or the central register; or

(5) a minimum residency period in the home of the petitioners.

(g) The court shall grant the adoption under this section and issue an adoption decree promptly after the filing of a complete petition and upon finding that:

(1) for marital parents, the parent who gave birth and the spouse were married at the time of the child's birth and the child was born through assisted reproduction; or

(2) for nonmarital parents:

(A) the person who gave birth and the nonmarital parent consented to the assisted reproduction; and

(B) no other person has a claim to parentage pursuant to Title 15C or that any other person with a claim to parentage of the child who is required to be provided notice of, or who must consent to, the adoption has been notified or provided consent to the adoption.

(h) Unless notice has been waived or consent given for the adoption, a copy of the petition and notice of a proceeding under this section shall be served upon any person entitled to notice within 30 days after the petition is filed. The notice shall include the address and telephone number of the court where the petition is pending and a statement that the person served with the notice and petition shall file a written appearance in the proceeding within 20 days after service in order to participate in the proceeding and to receive further notice of the proceeding, including notice of the time and place of any hearing. Service of the notice and petition shall be made in a manner appropriate under the Vermont Rules of Probate Procedure unless the court

otherwise directs. Proof of service on each person entitled to receive notice shall be on file with the court before the court acts on the petition.

~~(h)~~ (i) A petition to adopt a child pursuant to this section shall not be denied on the basis that any of the petitioners' parentage is already presumed or legally recognized in Vermont.

~~(i)~~ (j) When parentage is presumed or legally recognized pursuant to 15C V.S.A. § 201, the fact that a person did not petition for adoption pursuant to this section shall not be considered as evidence when two or more presumptions conflict, nor in determining the best interests of the child.

Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2025.