

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Judiciary to which was referred House Bill No. 98
3 entitled “An act relating to confirmatory adoptions” respectfully reports that it
4 has considered the same and recommends that the bill be amended by striking
5 out all after the enacting clause and inserting in lieu thereof the following:

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

7 § 1-114. CONFIRMATORY ADOPTION FOR CHILDREN BORN
8 THROUGH ASSISTED REPRODUCTION

9 (a) As used in this section:

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

12 (A) intrauterine, intracervical, or vaginal insemination;

13 (B) donation of gametes;

14 (C) donation of embryos;

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

16 (E) intracytoplasmic sperm injection.

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

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

1 (B) a parent under 15C V.S.A. chapter 7 or an intended parent under
2 15C V.S.A. chapter 8.

3 (3) “Marriage” includes civil union and any legal relationship that
4 provides substantially the same rights, benefits, and responsibilities as
5 marriage and is recognized as valid in the state or jurisdiction in which it was
6 entered.

7 (4) “Petitioners” means the persons filing a petition for adoption in
8 accordance with this section.

9 (b) Whenever a child is born as a result of assisted reproduction and the
10 person or persons who did not give birth are a parent pursuant to 15C V.S.A.
11 § 703 or presumed parent pursuant to 15C V.S.A. § 401 and the parents seek to
12 file a petition to confirm parentage through an adoption of the child, the court
13 shall permit the parents to file a petition for adoption in accordance with this
14 section.

15 (c) A complete petition shall comprise the following:

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

17 (2) a copy of the petitioners’ marriage certificate, if petitioners are
18 married;

19 (3) a declaration signed by the parents explaining the circumstances of
20 the child’s birth through assisted reproduction, attesting to their consent to

1 assisted reproduction, and stating that there are no other persons with a claim
2 to parentage of the child under Title 15C; 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, the court shall not require notice of the adoption to
9 the donor or consent to the adoption by the donor.

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

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

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

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

7 (2) for nonmarital parents:

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

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

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

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

1 Sec. 2. EFFECTIVE DATE

2 This act shall take effect on July 1, 2025.

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9 (Committee vote: _____)

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Representative _____

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FOR THE COMMITTEE