



February 4, 2025

Rep. Martin LaLonde, Chair
Rep. Thomas Burditt, Vice Chair
Rep. Kevin "Coach" Christie, Ranking Member
House Committee on Judiciary
State House, Room 1
Montpelier, VT 05633

Re: H. 98: An act relating to confirmatory adoptions

Dear Chair LaLonde, Vice Chair Burditt, Ranking Member Christie, and Members of the House Committee on Judiciary:

Thank you for the opportunity to testify in strong support of H. 98, an act relating to confirmatory adoption. GLBTQ Legal Advocates & Defenders (GLAD Law) appreciates Representatives Rachelson, Arsenault, Christie, Goodnow, Headrick and LaLonde for bringing forth this important bill aimed to promote security and stability for children and families. This bill is a common-sense provision that makes the adoption process more streamlined and efficient for parents seeking an adoption decree to confirm an existing parent-child relationship. Confirmation of an existing parent-child relationship is vitally important to protect families forged through assisted reproduction, including LGBTQ families.

As you may know, GLAD Law is a legal nonprofit working in New England and nationally to create a just society free of discrimination based on gender identity and expression, HIV status, and sexual orientation. GLAD Law has worked in Vermont for many years, including support for the comprehensive Vermont Parentage Act of 2018 and the health care provider shield law of 2023.

Protecting core family relationships is central to GLAD Law's work. A legal parent-child relationship is essential to the well-being of a child because of the many rights and responsibilities that this relationship conveys. H 98 would continue Vermont's leadership in ensuring that all children have the ability to be secure in their family, setting them up to thrive throughout their lives.

When children are born through assisted reproduction, one or both of their parents may not be genetically related to them due to the use of donor gametes. Parents who use assisted reproduction, both in Vermont and elsewhere, continue to face the reality that other states may discriminate against them and not recognize their legal status as parents because of a lack of genetic connection. This is particularly so for LGBTQ parents. For example, a trial court in Oklahoma recently stripped a married non-biological parent of her rights over her child born through assisted

reproduction during a divorce process. *Wilson v. Williams*, FD-2021-3681 (Okla. 7th Dist. Feb. 13, 2023). The trial court found that the marital presumption did not apply to same-sex parents and named the gamete donor as the child's legal parent. *Id.* at 5–6. That case is now on appeal. *See also Gatsby v. Gatsby*, 495 P.3d 996 (Idaho 2021).

At the present time, many families are feeling terrified about the national climate and are seeking paths to secure their legal parent-child relationship. Many families are seeking adoption decrees. Adoption decrees are court judgments that are easily recognizable and receive respect in all jurisdictions. *See V.L. v. E.L.*, 577 U.S. 404, 410 (2016) (per curium) (requiring Alabama to give full faith and credit to same-sex couple's adoption decree issued in Georgia).

Vermont's current adoption process principally contemplates adoptions that welcome children into new homes and families. To protect such children's best interests and safety, these adoptions appropriately require a detailed process involving lengthy and expensive home studies, notice to genetic parents, waiting periods, and other requirements. Such requirements are not well suited to situations where the purpose of the adoption is to *confirm* the legal parent-child relationships that the child has known since birth and already exist under state law. Adoption practitioners and courts may facilitate confirmatory adoption through various motions to waive the adoption requirements, but having to seek waivers of these requirements involves time and expense, limiting access to the courts.

H. 98 streamlines the adoption process for parents who planned for and built their families through assisted reproduction. Under H. 98, if a parent is already a parent under Vermont law and seeks an adoption decree to confirm their parent-child relationship, they will not have to complete an invasive home study, provide unnecessary notice to gamete donors, or delay legal recognition of their existing relationship for a mandatory residency period.

Through this act, Vermont would address an urgent need for parents who seek to secure an adoption decree without unnecessary barriers and would provide important protection for children. The Green Mountain State would be in good company. Eight states already have a distinct statutory path for confirmatory adoption, including California, Colorado, Maine, Maryland, New Hampshire, New Jersey, Rhode Island, and Virginia. *See, e.g.*, Cal. Fam. Code § 9000.5 (2022); Colo. Rev. Stat. § 19-5-203.5 (2022); Me. Rev. Stat. tit. 18-C, § 9-316 (2023); Md. Code Ann., Fam. Law § 5-3B-27 (2019); N.H. Rev. Stat. Ann. § 170-B:4 (2021); N.J. Stat. § 9:17-71 (2020); R.I. Gen. Laws § 15-7-27 (2023); Va. Code Ann. § 63.2-1241 (2022). A similar provision regarding confirmatory adoption is now or soon pending in states such as Illinois, New Mexico, and New York.

We strongly support H. 98. If you have any further questions or need additional information, please do not hesitate to contact us.

Respectfully submitted,

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