

1 H.98

2 An act relating to confirmatory adoptions

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

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

5 § 1-114. CONFIRMATORY ADOPTION FOR CHILDREN BORN
6 THROUGH ASSISTED REPRODUCTION

7 (a) As used in this section:

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

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

11 (B) donation of gametes;

12 (C) donation of embryos;

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

14 (E) intracytoplasmic sperm injection.

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

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

20 (B) a parent under 15C V.S.A. chapter 7 or an intended parent under
21 15C V.S.A. chapter 8.

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

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

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

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

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

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

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

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

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

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

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

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

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

15 (3) a criminal-record check;

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

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

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

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

4 (2) for nonmarital parents:

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

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

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

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

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

6 (j) When parentage is presumed or legally recognized pursuant to
7 15C V.S.A. § 201, the fact that a person did not petition for adoption pursuant
8 to this section shall not be considered as evidence when two or more
9 presumptions conflict, nor in determining the best interests of the child.

10 Sec. 2. EFFECTIVE DATE

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