

March 31, 2025

Sen. Nader Hashim, Chair
Senate Committee on Judiciary

Re: H.98/S.95

Dear Senator Hashim:

I am writing this letter in support of H.98/S.95, Confirmatory Adoption.

I am a family law attorney practicing in Burlington, Vermont. I am a member of the Academy of Adoption and Assisted Reproduction Attorneys. I have been practicing adoption law since 1995, the year before Title 15A was enacted. I also participated in the drafting of the Vermont Parentage Act of 2018.

For many years, I have worked with same-sex couples seeking to obtain legal security for their families through second parent adoptions. They choose the adoption route over other options (such as parentage orders under Chapter 7 of Title 15C) because they believe that it provides them with the highest level of security to protect their families throughout the country. For this reason, it is important that the proceedings be processed as an *adoption*, and not a proceeding for parentage (which is already available).

The primary downside to traditional second parent adoptions is that it involves intrusive background checks and FBI fingerprinting, with attendant delays. These types of background investigations are insulting to parents who are intentionally creating their families through assisted fertility. They are not required of heterosexual couples who can have their own children biologically, or in other areas of assisted reproduction such as IVF, surrogacy or 15C Chapter 7 parentage proceedings.

There are also delays inherent in an overburdened Court system. I currently have cases that have been delayed for many months due to inaction by the Courts. By reducing the need for background checks, additional forms and monitoring, confirmatory adoptions would significantly reduce the amount time and labor for Court staff in these types of second parent adoptions.

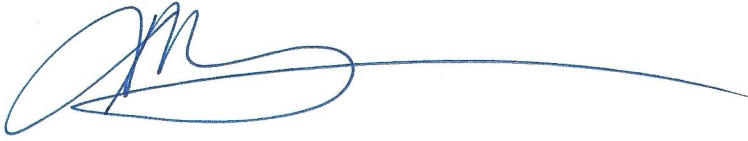
The confirmatory adoption process will also be easier for Courts to process if they are not familiar with the use of assisted fertility in the second parent adoption context. I have been dealing with Courts who do not understand that a donor is not a parent (15C VSA §702(a)).

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It takes time and expense explaining to some Courts that sperm donor does not need to be notified of an adoption proceeding, never mind provide consent. The confirmatory adoption statute is very clear about who the parties are and what documentation is required.

In sum, these are frightening times for our clients. The confirmatory adoption process will give them an important tool to protect their families in all jurisdictions.

Sincerely,



Kurt M. Hughes