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March 20, 2025

Sen. Nader Hashim, Chair
Sen. Robert Norris, Vice Chair
Senate Committee on Judiciary
State House, Room 1
Montpelier, VT 05633

Re: Testimony in support of H. 98, An Act relating to Confirmatory Adoption

Dear Chair Hashim, Vice Chair Norris and Members of the Senate Committee on Judiciary,

On behalf of Family Equality, I write in strong support of H. 98, An Act relating to Confirmatory Adoption—an important bill that promotes family security and stability for children. We request that you please report the bill favorably.

Family Equality is a national organization advocating to advance legal and lived equality for lesbian, gay, bisexual, transgender, and queer (LGBTQ+) families and those who wish to form them. We support many families in Vermont, and two of our team members live in Vermont.

H. 98 is vitally important because it would provide increased access to legal family security for children born of assisted reproduction. All children in Vermont need and deserve legal family security. Legal recognition of parent-child relationships is essential to children's well-being. It ensures protections, rights, and responsibilities related to education, health, social security benefits, custody, permanency, and more. Children born of assisted reproduction may not share a genetic connection with one or both of their parents, which makes securing a legal relationship even more critical. H. 98 would provide a streamlined path to legal security for these children.

Currently, when a child is born of assisted reproduction, the intended parents who consent to assisted reproduction are legal parents under Vermont law. 15C V.S.A. § 703. Even still, many of these families choose to pursue a court order, such as an adoption, to provide greater legal security. When a Vermont family secures legal parent-child relationships through adoption, they are not only protected within the state, but also across state lines under full faith and credit principles of the U.S. Constitution. *See V.L. v. E.L.*, 577 U.S. 404, 136 S. Ct. 1017 (2017).

In Vermont today, when a family formed through assisted reproduction seeks an adoption order, they rely on Vermont's stepparent or partner adoption process. Article 4 of Title 15A of the Vermont Statutes provides a mechanism to adopt a spouse's child through stepparent adoption without affecting the legal relationship between the child and stepparent's spouse. 15A V.S.A. § 4-102(b)(1). Stepparent adoption was expanded through case law in 1993 to include parents who are not married to one another. *See In re B.L.V.B.*, 160 Vt. 368, 628 A.2d 1271 (Vt. 1993). In 1995, the Vermont legislature codified this decision, allowing a prospective adoptive parent to be a "partner of a parent." 15A V.S.A. § 1-102(b). Stepparent or partner adoptions function through the lens of

establishing parentage in an otherwise legal stranger, an inaccurate premise for a family created through assisted reproduction. *Compare* 15A V.S.A. § 1-101(23) (defining “stepparent” to mean “a person... who is not a parent of the child”), *with* 15C V.S.A. § 703 (“A person who consents... to assisted reproduction by another person with the intent to be a parent of a child conceived by the assisted reproduction is a parent of the child”).

H. 98 addresses this problem, advancing Vermont’s interest in protecting the security of the family unit by preserving parent-child relationships. If someone who is already a parent under Vermont law seeks to confirm their parent-child relationship through adoption, they do not have to complete an invasive home study or file a motion requesting a waiver of this requirement. They do not have to endure record checks, attend a hearing, or demonstrate a minimum residency period, onerous and time-consuming requirements that can deter families who desperately need the protection of a court order. However, for good cause, a court can still require any of these for the purposes of evaluating and granting a petition for confirmatory adoption, maintaining a judge’s discretion to ensure an adoption is in the child’s best interests.

While the passage of this bill is important for all Vermont children and families, it is especially important for LGBTQ+ parents who often use assisted reproduction to grow their families. LGBTQ+ families are facing an increasingly hostile environment throughout the United States. Recently, a court Oklahoma stripped a child of their non-birth LGBTQ+ parent, even though the parents had been married when the child was born. *Wilson v. Williams*, FD-2021-3681 (Okla. 7th Dist. Feb. 13, 2023). Although this bill benefits all Vermont families, it is critical that LGBTQ+ families in Vermont have an option to ensure their families are recognized and protected no matter where they travel.

Through this Act, Vermont would address this important need to allow parents to secure their parent-child relationships through adoption in an efficient and validating process. If enacted, Vermont would join several other states that have enacted similar legislation, including California, Colorado, Maine, Maryland, New Hampshire, New Jersey, Rhode Island, and Virginia. *See* Cal. Fam. Code § 9000.5; Colo. Rev. Stat. § 19-5-203.5; Me. Rev. Stat. Ann. tit. 18-C, § 9-316; Md. Code Ann., Fam. Law § 5-3B27; N.H. Rev. Stat. Ann. § 170-B:4; N.J. Stat. § 9:17-71; 15 R.I. Gen. Laws Ann. § 15-7-27; Va. Code Ann. § 63.2-1241.

H. 98 is an important, common-sense bill that offers streamlined protections for Vermont children and families. Family Equality strongly supports H. 98.

Respectfully submitted,



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