

# Judiciary Committee JOINT FAVORABLE REPORT

**Bill No.:** HB-6321

AN ACT CONCERNING ADOPTION AND IMPLEMENTATION OF THE

**Title:** CONNECTICUT PARENTAGE ACT.

**Vote Date:** 3/29/2021

**Vote Action:** Joint Favorable Substitute

**PH Date:** 3/8/2021

**File No.:** 461

***Disclaimer:** The following JOINT FAVORABLE Report is prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and does not represent the intent of the General Assembly or either chamber thereof for any purpose.*

## SPONSORS OF BILL:

The Judiciary Committee;

Rep. Jeff Currey, 11th Dist.  
Rep. Nicole Klarides-Ditria, 105th Dist.  
Sen. Alex Kasser, 36th Dist.  
Rep. Eleni Kavros DeGraw, 17th Dist.  
Rep. Cristin McCarthy Vahey, 133rd Dist.  
Sen. Will Haskell, 26th Dist.  
Rep. Christine Conley, 40th Dist.  
Rep. Greg S. Howard, 43rd Dist.  
Rep. Tammy Nuccio, 53rd Dist.  
Rep. Brian T. Smith, 48th Dist.  
Rep. Jason Doucette, 13th Dist.  
Sen. Saud Anwar, 3rd Dist.  
Sen. Gary A. Winfield, 10th Dist.  
Rep. Matt Blumenthal, 147th Dist.  
Rep. Raghiv Allie-Brennan, 2nd Dist.  
Rep. Tom Arnone, 58th Dist.  
Rep. Craig C. Fishbein, 90th Dist.  
Rep. Steven J. Stafstrom, 129th Dist.  
Rep. Patricia A. Dillon, 92nd Dist.  
Rep. Julio A. Concepcion, 4th Dist.  
Rep. Jaime S. Foster, 57th Dist.  
Rep. Maria P. Horn, 64th Dist.  
Rep. Matthew Ritter, 1st Dist.  
Rep. Robin Green, 55th Dist.  
Rep. Jillian Gilcrest, 18th Dist.

Rep. Frank Smith, 118th Dist.  
Rep. Dorinda Borer, 115th Dist.  
Rep. Jennifer Leeper, 132nd Dist.  
Rep. David Michel, 146th Dist.  
Rep. David T. Wilson, 66th Dist.  
Rep. Jason Rojas, 9th Dist.  
Rep. Mike Demicco, 21st Dist.  
Rep. Josh Elliott, 88th Dist.  
Rep. Gary A. Turco, 27th Dist.  
Rep. Roland J. Lemar, 96th Dist.  
Rep. Kara Rochelle, 104th Dist.  
Rep. John-Michael Parker, 101st Dist.  
Rep. Lucy Dathan, 142nd Dist.  
Rep. Jill Barry, 31st Dist.  
Rep. Caroline Simmons, 144th Dist.  
Rep. Henry J. Genga, 10th Dist.  
Rep. Michael D Quinn, 82nd Dist

## **REASONS FOR BILL:**

This bill is the result of many years of work led by Yale Law Professor Douglas NeJaime and championed by Rep. Jeff Currey in collaboration with many stakeholders. The bill clarifies who is a parent and how to establish parentage that includes LGBTQ families. Children would have access to the security of legal parentage regardless of sexual orientation, gender or the marital status of their parents. This legislation expands the definition of family and grants equal access to parentage protections to more families beyond “traditional” heterosexual families.

## **SUBSTITUTE LANGUAGE:**

The substitute language changes the effective date from January 2022 to July 2022 in Sec. 38 and 39 regarding de facto parentage. The substitute language clarified that the child support guidelines established pursuant to §46b-215 shall not apply until such guidelines have been revised to address the circumstances when a child has more than two parents.

## **RESPONSE FROM ADMINISTRATION/AGENCY:**

Connecticut Office of the Attorney General, Attorney General, William Tong; supports this bill stating that it is in accord with Connecticut’s constitutional mandate to ensure equal access to the law and strengthens protections for children. It is stated that the bill successfully promotes equity and inclusion by eliminating the discrimination of families and parents on the basis of sexual orientation and gender identity.

Connecticut Probate Court, Administrator, Beverly K. Streit Kefalas; supports this bill stating that it would modernize laws establishing legal parentage as well as equal protection and equal access to all children and parents in securing their parent-child relationships. Many of the proposed legislative changes are integral to Probate Court procedures and have significant impact on other areas of probate law such as inheritance rights, legal notice of court proceedings and confidentiality laws.

Connecticut Judicial Branch; stated neither support nor opposition to this bill. Concern was expressed towards the potential implementation challenges for the effective dates of Sections 38 and 39 which will allow the Judicial Branch to make changes to their computer systems, current practices, procedures, forms, rules and new case types. (This concern is addressed in the Substitute Language.)

Connecticut Department of Public Health, Acting Commissioner, Deidre Gifford; supports this bill with substitute language to ensure the role of the Department of Public Health as administrator of the state’s paternity registry and the statewide vital records system. It was stated that the Department’s birth registry cannot accommodate the names of more than two parents and requests substitute language to clarify this.

Connecticut Commission on Human Rights and Opportunities; supports this bill stating that it would update Connecticut’s parentage law in order to safeguard the rights of children and families. It is also stated that as the state entity charged with enforcing Connecticut’s

antidiscrimination laws, the Commission strongly supports the bill which reflects the diversity of families in the state.

#### **NATURE AND SOURCES OF SUPPORT:**

Connecticut General Assembly, State Representative, Jason Rojas; supports this bill stating that a parent who does not give birth to a child is required to go through a lengthy process to initiate a second parent adoption, costing the family both significant time and money. This bill would clarify who is a parent and how to establish parentage while also reducing the financial burden.

Connecticut General Assembly, State Representative, Nicole Klarides-Ditria; supports this bill stating that it will ensure that gaps will be filled in existing law and guarantee equal access to legal parentage for all children, regardless of whether parents are unmarried, the same-sex, or nonbiological to the child.

Connecticut General Assembly, State Representative, Tammy Nuccio; supports this bill stating that it provides a clear pathway to parentage in the State of Connecticut and will ensure stability for the children of unmarried, same-sex or non-biological parents.

Yale Law School, Professor of Law, Douglas NeJaime; supports this bill sharing the work done to draft this bill alongside the Connecticut Judicial Branch, Probate Court and Legislative Commissioners Office. It is stated that this legislation would remedy the constitutional problems with Connecticut's current parentage laws, and it would establish clear and accessible paths to parentage.

Center for Advanced Reproductive Services, Medical Director, Claudio Benadiva; supports this bill stating that it provides a much-needed update which clarifies who is a parent and provides paths for individuals who have children through assisted reproduction to establish legal parentage regardless of sexual orientation, gender or marital status.

Connecticut Women's Education and Legal Fund, Policy and Program Associate, Nicole Sanclemente and Policy Intern, Hannah Holloran; supports this bill stating that it will ensure that all children have equal access to the security of a legal parent-child relationship regardless of the marital status, gender or sexual orientation of their parents, or circumstances of their birth. It is also stated that this bill is especially important during COVID-19 as families continue to navigate increased medical, virtual education and child care decisions.

Academy of Adoption and Assisted Reproduction Attorneys, Attorneys at Law, Margaret E. Swain and Genie Miller Gillespie; supports this bill stating that Connecticut is the only state within New England that has no law protecting unmarried, nonbiological parents and their children. It is stated that this bill will establish secure parental rights for families formed through assisted reproduction.

American Civil Liberties Union of Connecticut, Interim Senior Policy Counsel, Kelly McConney Moore; supports this bill stating that a person should have full autonomy to choose how, when and with whom to create a family. It is stated that this bill provides a path to secure protection for parents and children who currently have no legal recognition.

Connecticut Coalition Against Domestic Violence, Director of Public Policy and Communications, Liza Andrews; supports the intent of this bill stating that there may be unintended consequences as a result of the language included. It is stated that this bill sets forth parameters for the presumption of parentage and establishes “de facto parentage” for the first time in Connecticut which can easily be misused by abusers subjecting victims of domestic violence to litigation to protect their child from their abuser claiming to be the presumed or de facto parent of their child. It is also stated that this bill will ensure that legal parentage for children born through surrogacy is accessible and families are protected.

GLAD, Senior Staff Attorney, Patience Crozier; supports this bill stating that it promotes security of children and ensures clarity, efficiency and fairness in Connecticut courts.

Connecticut Children’s Medical Center, Pediatric Physician, Alexander Hogan, MD; supports this bill stating that the law must be updated to keep pace with the diversity of modern families and the outdated bill was written with a “traditional” family in mind which is not reflective of families today.

Nichols, DeLisle & Lightholder, P.C., Attorney, Leslie Lightholder; supports this bill stating that the parties to a surrogacy arrangement share the common goal of ensuring that the child’s legal parents are clearly and correctly established prior to the birth. It is stated that the parties all wish for the intended parent(s), and not the surrogate, to be declared the legal parent(s) and for the child’s birth certificate to accurately reflect the same. It is noted that, currently, the only mechanism for an intended parent using a surrogate to establish their parental rights involves filing a traditional lawsuit in the Superior Court.

The National Infertility Association, President/CEO, Barbara L. Collura, supports this bill stating that all children deserve the security that comes with a stable and legally protected parental relationship and adopting best practice legislation will ensure the Connecticut parentage law is constitutional and fair and will provide equality, security and stability for children and parents.

New England Fertility Society, President, Shruthi Mahalingaiah, MD; supports this bill stating that Connecticut is in urgent need of comprehensive statutory reform to protect all children. A child’s legal relationship to their parent(s) – parentage is critical to their well-being and healthy development.

Attorney, Shirley Pripstein; When the bill was introduced in 2019, she was concerned about creating a presumed parent status for the cohabitant of the birth or adoptive parent however this year’s version makes a significant change and makes it clear that a presumed parent is not a parent until either an adjudication of or the signing of an acknowledgment and affirmation of paternity.

Connecticut Bar Association, Family Law Section, Attorney, Mark Randall; states support with a proposed amendment in order to further the ability of a person seeking to rebut a presumption of parentage after a child reaches two years old, specifically considering the importance of a continued relationship with a child. While there is no opposition to the concept of the “de facto parent” but raises concerns that “de facto parentage,” may be used

as a sword by ex-partners of a legal parent to exert emotional control over, or emotional harm upon, the legal parent.

Center for Children's Advocacy, Senior Staff Attorney, Alice Rosenthal, J.D. and J.D. Candidate, Allison Durkin; supports this bill stating that it will ensure protection and equality for all children and their families.

Avon, CT, Resident, Dana Barcellos-Allen; supports this bill sharing a personal account stating that not recognizing parentage puts a strain on families and this legislation would give families protection in an instance where the biological parent is not available to make decisions on behalf of a child.

Willimantic, CT, Resident, Anastasia Martineau; supports this bill stating that it will correct harmful gaps in current state law and help to align it to the realities of the modern family. A personal account was shared in speaking to families who share concerns regarding lack of legal protection and parental rights.

Mystic, CT, Resident, Katherine L. Kraschel; supports this bill stating that all vital records forms, including birth certificates and birth certificate worksheets, should include, respect, and affirm all Connecticut families and their children. It is stated that this legislation is needed to recognize parents regardless of gender or sexual orientation.

CT, Resident, Penny Barton-Zuckerman; supports this bill stating that twenty-two years ago the Second Parent Adoption bill was passed, and this legislation will update the state's parentage law to promote the security of all children.

CT, Pediatric Resident Physician, Gabriella Izzo; supports this bill stating that the current law fails to recognize many parents in Connecticut, especially same-sex couples who start or expand a family using assisted reproduction.

The following have submitted testimony supporting this bill stating that it will promote the security of all children regardless of the circumstances of their birth or the marital status, gender, or sexual orientation of their parents:

Planned Parenthood of Southern New England, Senior Director of Public Policy, Advocacy and Organizing, Gretchen Raffa;

American Society for Reproductive Medicine, President, Hugh Taylor;

New Britain Pride, Chair, John Board;

The First Congregational Church, Senior Minister, Reverend James Campbell;

Yale University Medical School, Chief of Reproduction Endocrinology and Infertility, Dr. Sandra Carson;

UConn Health, Professor, Mary Casey Jacob, PHD, ABPP;

Center for Advanced Reproductive Services, Lead Physician, Andrea DiLuigi, MD;

New Haven Pride Center, Executive Director, Patrick Dunn;

Center for Advanced Reproductive Services, Lead Physician, Lawrence Engmann, MD;

Fertility Within Reach, President, Davina Fankhauser;

Freed Macroft LLC, Attorney and Founder, Meghan Freed;

Farmington, CT, Pediatrician, Patricia Garcia, MD;

Connecticut Legal Services;

Greater Hartford Legal Aid;  
New Haven Legal Assistance Association;  
Center for Advanced Reproductive Services, Lead Physician, Daniel Grow, MD;  
COLAGE, Board Member, Malina Simard-Halm;  
Glastonbury, CT, Resident, Shannon Hansen;  
Stamford, CT, Resident, Eric Higgins;  
American College of Obstetricians and Gynecologists, Connecticut Section, Chair, Amanda Kallen, MD;  
New Haven, CT, Resident, Elisabeth J. Lee;  
Reproductive Medicine Associates of Connecticut, Founder, Medical Director & Partner, Mark Leondires;  
COLAGE, Volunteer, Angel Martin;  
Yale Child Study Center, Arnold Gesell Professor of Child Psychiatry, Pediatrics, and Psychology Director, Linda Mayes, MD;  
RESOLVE: The National Infertility Association, President/CEO, Barbara L. Collura;  
Center for Advanced Reproductive Services, CARS IVF Director and Donor Egg Program Director, John Nulsen, MD;  
Bridgeport, CT, Resident, Stephanie Ocasio-Gonzalez;  
Plantsville, CT, Resident, Leah Padgett;  
CT, Medical Students Collectively Submitted Testimony: Faith Crittenden, Garrett Fontaine, Purven Parikh, Moe Uddin & Julia Plourde  
East Hartford, CT, Resident, Rachel Prehodka-Spindel and Emily Pagano;  
Resolve New England, Executive Director, Kate Weldon LeBlanc;  
Family Equality, Directors of State Policy, Mary Rohmiller, Esq. and Shelbi Day, Esq.;  
Connecticut Bar Association, LGBT Section, Chair, Erick Russell;  
Center for Advanced Reproductive Services, Lead Physician, David Schmidt, MD;  
CT Voices for Children, Chief of Staff, Sana Shah;  
COLAGE, Executive Director, Jordan Budd;  
Bridgeport, CT, Resident, Ashley Taylor;  
Yale School of Medicine, Department of Obstetrics, Gynecology and Reproductive Sciences, Anita O’Keeffe Professor of Women’s Health and Chair, Hugh S. Taylor, M.D.;  
Malina Simard-Halm  
UCLA, Williams Institute School of Law Collective Testimony: Blachford-Cooper Research Director and Distinguished Scholar, Kerith; Jane Conron, Sc.D; MPH; Visiting Scholar, Nanette Gartrell, M.D.; Visiting Scholar, Andrew Flores, Ph.D.; Rabbi Barbara Zacky Senior Scholar of Public Policy; Bianca D. M. Wilson, Ph.D.; Senior Scholar of Public Policy, Jody L. Herman, Ph.D.; Peter J. Cooper Public Policy Fellow; Kathryn O’Neill, MPP;  
Center for Advanced Reproductive Services, Chief Executive Officer, Paul Verrastro  
National Association of Social Workers / Connecticut Chapter; Executive Director, Stephen Wanczyk- Karp, LMSW and President, Shannon Perkins, LMSW;  
Lauren Weaver, MD, Pediatric Resident

The following Yale Law School students collectively have submitted testimony supporting this bill sharing the work that was done alongside Professor Douglas NeJaime to conduct in-depth research on judicial decisions and statutes on parentage in order to ensure Connecticut’s laws are constitutional. It is also stated that by removing barriers to parentage it will improve the lives of Connecticut residents:

Yale Law School, Students: Megan Bowles; Amelia Dunnell, Carolina Eguchi Yamamoto, Abigail Fisch, Alexander Fischer, Calleigh Higgins, Irene Kwon, Michael Loedel, Kelly McClure, Cara Newlon, Will Poff-Webste, Sonia Qin, Sara Sampoli, Malina Simard-Halm, Rachael Stryer and Sofia Del Carmen Trevino Fernandez

**NATURE AND SOURCES OF OPPOSITION:**

None offered.

**Reported by: Zoe Gluck**

**Date: April 9, 2021**