

2023 -- H 5226 SUBSTITUTE A

LC000656/SUB A/2

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO DOMESTIC RELATIONS -- ADOPTION OF CHILDREN

Introduced By: Representatives Kislak, Shekarchi, McEntee, Kazarian, Edwards, Craven,
Caldwell, Vella-Wilkinson, Batista, and Ajello

Date Introduced: January 25, 2023

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 15-7 of the General Laws entitled "Adoption of Children" is hereby
2 amended by adding thereto the following section:

3 **15-7-27. Confirmatory adoption for children born through assisted reproduction.**

4 (a) As used in this section, the following words and terms shall have the following
5 meanings unless the context shall clearly indicate another or different meaning or intent:

6 (1) "Assisted reproduction" means the definition provided in § 15-8.1-102.

7 (2) "Marriage" means and includes civil union and any legal relationship that provides
8 substantially the same rights, benefits, and responsibilities as marriage and is recognized as valid
9 in the state or jurisdiction in which it was entered.

10 (3) "Petitioners" means the persons filing a petition for adoption in accordance with this
11 section.

12 (b) Whenever a child is born as a result of assisted reproduction and the person who did
13 not give birth is a parent or presumed parent pursuant to § 15-8.1-301, § 15-8.1-401, or § 15-8.1-
14 703 and the parents seek to file a petition to confirm parentage through an adoption of the child,
15 the court shall permit the parents to file a petition for adoption in accordance with this section.

16 (c) A complete petition shall be comprised of the following:

17 (1) The petition for adoption signed by both parties;

18 (2)(i) A copy of the petitioners' marriage certificate, if petitioners are married; and

19 (ii) A declaration signed by the person giving birth and the person who did not give birth

1 explaining the circumstances of the child's birth through assisted reproduction, attesting to their
2 consent to assisted reproduction, and attesting that no competing claims of parentage exist; and

3 (3) A certified copy of the child's birth certificate.

4 (d) A complete petition for adoption, as described in subsection (c) of this section, shall
5 serve as the petitioners' written consents to adoption required by § 15-7-5, and no additional
6 consent or notice shall be required.

7 (e) If the petitioners conceived through assisted reproduction with donor gamete(s) or
8 donor embryo(s) pursuant to article 7 of chapter 15-8.1 ("uniform parentage act"), the court shall
9 not require notice of the adoption to the donor or consent to the adoption by the donor, including
10 notice pursuant to § 15-7-9 or § 15-7-26.

11 (f) Unless otherwise ordered by the court for good cause shown and supported by written
12 findings of the court demonstrating good cause or required by federal law, for purposes of
13 evaluating and granting a petition for adoption pursuant to this section, the court shall not require:

14 (1) An in-person hearing or appearance;

15 (2) An investigation or home study by, notice to, or approval of the department of children,
16 youth and families (DCYF);

17 (3) A criminal-records check;

18 (4) Verification that the child is not registered with the federal register for missing children
19 or the central register; or

20 (5) A minimum residency period in the home of the petitioners.

21 (g) The court shall grant the adoption under this section and issue a decree of adoption
22 within thirty (30) days upon finding that:

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

25 (2) For non-marital parents:

26 (i) The person who gave birth and the non-marital parent consented to the assisted
27 reproduction; and

28 (ii) There are no competing claims of parentage or that any other person with a claim to
29 parentage of the child who is required to be provided notice of, or who must consent to, the adoption
30 has been notified or provided consent to the adoption.

31 (h) A petition to adopt pursuant to this section, when a petitioner's parentage is presumed
32 or legally recognized under Rhode Island law, must not be denied solely on the basis that the
33 petitioner's parentage is already presumed or legally recognized.

34 (i) When parentage is presumed or legally recognized pursuant to Rhode Island law, that

1 the parties did not petition for adoption pursuant to this section may not be considered as evidence
2 when two (2) or more presumptions conflict pursuant to § 15-8.1-206, nor in determining the best
3 interest of the child.

4 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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1 This act would provide a streamlined adoption process for children born through assisted
2 reproduction and who need adoption to confirm, not establish, their legal parentage to protect them
3 against discrimination in all jurisdictions.

4 This act would take effect upon passage.

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