

2019 -- H 5706

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LC001691
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

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A N A C T

RELATING TO DOMESTIC RELATIONS -- ADOPTION OF CHILDREN

Introduced By: Representatives McEntee, Craven, McKiernan, Blazejewski, and
Ruggiero

Date Introduced: February 27, 2019

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.**

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 a method of causing pregnancy other than sexual
7 intercourse and includes, but is not limited to, artificial insemination as well as the following:
8 intrauterine, intracervical, or vaginal insemination; donation of gametes; donation of embryos; in
9 vitro fertilization and transfer of embryos; or intracytoplasmic sperm injection.

10 (2) "Court" means the family court or probate court having jurisdiction.

11 (3) "Embryo" means a cell or group of cells containing a diploid complement of
12 chromosomes or a group of such cells, not including a gamete, that has the potential to develop
13 into a live born human being if transferred into the body of a person under conditions in which
14 gestation may be reasonably expected to occur.

15 (4) "Gamete" means a sperm, an egg, or any part of a sperm or an egg.

16 (5) "Marriage" means and includes any legal relationship that provides substantially the
17 same rights, benefits, and responsibilities as marriage and is recognized as valid in the state or
18 jurisdiction in which it was entered.

19 (6) "Petitioners" means the people filing a petition for adoption in accordance with this

1 section.

2 (b) Whenever a child is born into a marriage as a result of assisted reproduction and the
3 spouses wish to complete an adoption of the child to affirm parentage, the court shall permit the
4 spouses to file a petition for adoption in accordance with this section.

5 (c) Whenever a child is born to non-marital parents as a result of assisted reproduction
6 and the non-marital parents wish to complete an adoption of the child to affirm parentage, the
7 court shall permit the non-marital parents to file a petition for adoption in accordance with this
8 section.

9 (d) A complete petition shall be comprised of the following:

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

11 (2)(i) Petitioners' marriage certificate, if the petition is filed pursuant to subsection (b) of
12 this section; or

13 (ii) Declarations by the person giving birth and the non-marital parent attesting to his or
14 her consent to assisted reproduction and attesting that no competing claims of parentage exist, if
15 the petition is filed pursuant to subsection (c) of this section;

16 (3) A copy of the child's birth certificate; and

17 (4) If the child has attained the age of fourteen (14) years, the consent of the child.

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

21 (f) If the petitioners conceived through assisted reproduction with donor gamete(s) or
22 embryo(s), the court shall not require notice of the adoption to the donor or consent to the
23 adoption by the donor, including notice pursuant to §§ 15-7-9 or 15-7-26. If the spouse's or non-
24 marital parent's gamete(s) are used in the assisted reproduction, the spouse or non-marital parent
25 is not a donor.

26 (g) Unless otherwise ordered by the court for good cause shown and accompanied by
27 written findings of the court demonstrating good cause, for purposes of evaluating and granting a
28 petition for adoption pursuant to this section, the court shall not require:

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

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

32 (3) A criminal-records check;

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

1 (5) A minimum residency period in the home of the petitioners.
2 (h) The court shall grant the adoption under this section and issue a decree of adoption
3 upon finding that:
4 (1) For marital parents, the parent who gave birth and the spouse were married at the time
5 of the child's birth; or
6 (2) For non-marital parents:
7 (i) The person who gave birth and the nonmarital parent consented to the assisted
8 reproduction; and
9 (ii) There are no competing claims of parentage or that any other person with a claim to
10 parentage of the child who is required to be provided notice of, or who must consent to, the
11 adoption has been noticed or provided consent to the adoption.

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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RELATING TO DOMESTIC RELATIONS -- ADOPTION OF CHILDREN

1 This act would provide for a process for married and unmarried parents, to complete
2 adoption to confirm his or her parentage of children born into their relationships with mutual
3 intent and through assisted reproduction.

4 This act would take effect upon passage.

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