

OFFERED BY COUNCILORS HENRY SANTANA, TANIA FERNANDES ANDERSON,
LIZ BREADON, COLETTA ZAPATA, DURKAN, FITZGERALD, FLYNN, MEJIA,
MURPHY, PEPEN, WORRELL, WEBER AND LOUIJEUNE



CITY OF BOSTON IN CITY COUNCIL

RESOLUTION IN SUPPORT OF THE MASSACHUSETTS ACT TO ENSURE LEGAL PARENTAGE EQUALITY (H.1713/S.947), TO PROTECT LGBTQ+ FAMILIES AND REPRODUCTIVE RIGHTS

WHEREAS, Establishing parentage is the process of determining the legal parents of a child;
and,

WHEREAS, Massachusetts is the only New England state that has not yet updated its parentage laws to ensure clear and equal protection for LGBTQ+ families, as well as for families who conceive through assisted reproduction, including in vitro fertilization (IVF) and surrogacy; *and*,

WHEREAS, Outdated parentage laws in Massachusetts create significant risks for family separation and hardship, including documented cases where children in Massachusetts were removed from their parents by the Commonwealth due to unclear recognition of their parents by state law, as well as legal proceedings in state courts that were delayed by years; *and*,

WHEREAS, These outdated laws also routinely create significant impacts on basic family needs including custody, health decisions, access to insurance, addressing emergencies, and the ability to travel across state lines; *and*,

WHEREAS, Under current Massachusetts laws, many LGBTQ+ families are forced to adopt their own children through expensive, time-consuming, stressful, and often humiliating processes that leave children and families vulnerable; *and*;

WHEREAS, The need to protect the rights of LGBTQ+ families is particularly critical in an era when legislative attacks on our LGBTQ+ community are rapidly accelerating across the country, with over 510 anti-LGBTQ+ bills filed in state legislatures in 2023, and over 515 anti-LGBTQ+ bills filed in state legislatures in just the first 5 months of 2024; *and*,

WHEREAS, Reproductive rights are also under attack across the country, including threats to IVF, which further emphasizes the need for Massachusetts to have current and comprehensive parentage laws that protect the range of ways children are born and families are formed; *and*,

WHEREAS, “*An Act to Ensure Legal Parentage Equality*” (H.1713/S.947) is a bipartisan bill filed in the Massachusetts State Legislature by Representatives Sarah K. Peake and Hannah Kane, and Senators Julian Cyr and Bruce Tarr, and is currently being considered by the State Legislature Joint Committee of the Judiciary; *and,*

WHEREAS, The Act is based on the “*Uniform Parentage Act of 2017*”, a best-practice framework for ensuring both parents and children are protected with clear standards for the establishment of parentage through all paths, including birth, adoption, acknowledgment, adjudication, genetics, assisted reproduction, surrogacy, de facto parentage, and presumptions (including a marital presumption); this framework has already guided the enacted parentage law updates in other states including California, Colorado, Connecticut, Maine, Michigan, Rhode Island, Vermont, and Washington (New Hampshire and New York have also adopted comprehensive parentage law updates not based directly on this model law, but addressing similar concerns); *and,*

WHEREAS, The Act would ensure children born through assisted reproduction such as IVF have a clear route to establish their parentage; provide standards for courts to resolve competing claims of parentage; ensure greater efficiency and consistency in our courts and reduce unnecessary litigation; and codify and protect parentage precedents from the Massachusetts Supreme Judicial Court; *and,*

WHEREAS, The movement to update Massachusetts’ parentage laws has support from a broad coalition of well over 60 local, statewide, and national organizations working for the welfare of children, families, LGBTQ+ people, and reproductive rights, as well as the support of Governor Maura Healey, Attorney General Andrea Joy Campbell, and Massachusetts Lawyer’s Weekly; *and,*

WHEREAS, On December 8, 2021, the Boston City Council adopted the “*Resolution Urging Passage of the Massachusetts Parentage Act*” (Docket #2021-1244) in support of similar legislation under consideration at that time; ***NOW THEREFORE BE IT***

RESOLVED: That the Boston City Council reaffirms its support for modernizing Massachusetts’ parentage laws to ensure equitable protections for all children and families, including LGBTQ+ families and families formed via assisted reproduction, and toward that end supports the passage of H.1713/S.947 “*An Act to Ensure Legal Parentage Equality*”; ***AND BE IT FURTHER***

ORDERED: That the City Clerk be and hereby is requested to transmit suitably attested digital copies of this Resolution to the Massachusetts Legislature’s President of the Senate, Speaker of the House, Chairs and Vice Chairs of the Joint Committee on the Judiciary, and each member of the Boston State Delegation.

Filed in Council: June 5, 2024