TESTIMONY IN SUPPORT OF H.1714/S.1133
AN ACT RELATIVE TO PARENTAGE TO PROMOTE CHILDREN’S SECURITY
BEFORE THE JOINT COMMITTEE ON JUDICIARY
NOVEMBER 9, 2021

The Massachusetts Medical Society (MMS) is a professional association of over 25,000 physicians, residents, and medical students across all clinical disciplines, organizations, and practice settings. The Medical Society is committed to advocating on behalf of patients, for a better health care system, and on behalf of physicians, to help them provide the best care possible. The MMS has long supported the rights of individuals to health, happiness, and liberty regardless of sexual orientation and gender identity. Moreover, the MMS believes that adverse childhood experiences (ACEs) are a public health problem that compound racial disparities in health outcomes. As such, the MMS wishes to be recorded in support of House bill 1714 and Senate bill 1133, An Act relative to parentage to promote children’s security.

Massachusetts is long overdue for comprehensive statutory reform that protects children and families. Parentage – a child’s legal relationship to their parent or parents – is critical to children’s well-being and healthy development. Stemming from this core legal relationship are numerous rights and responsibilities, such as the rights to care, financial support, medical insurance, decision making, and more – all of which have a profound impact on a child’s health well-being. Our existing law is outdated and inadequate to address the needs of children and the diversity of modern families today. While we can proudly tout our first-in-the-nation protections in marriage equality, rights for the children of LGBTQ parents have been recognized only by courts and on an ad hoc basis – an extensive and expensive process itself – as opposed to being protected through proactive, comprehensive statutory reforms.

The Massachusetts Parentage Act would create much clearer standards to establish legal parentage of children conceived through artificial insemination or in vitro fertilization with donor sperm, surrogacy, or other means. Parents in those circumstances could establish their legal relationship by voluntarily acknowledging and declaring the parental relationship instead of via formal adoption. The requirement of formal adoption not only impacts children and families, but it also creates unnecessary confusion for the physicians who treat these families. Given that our current law does not address who has the right/responsibility to care for an infant born to parents who use a surrogate, or donor eggs or sperm, there is no clarity as to who is legally authorized to make medical decisions. In these cases, physicians’ legal responsibilities can conflict with their ethical obligations, which may cause a significant amount of harm to children and their families. Physicians will struggle to navigate providing care to children whose parents technically have no legal authority to consent for the treatment of their kids?
The status quo is harming children and families in the Commonwealth, it is incumbent on the legislature to provide clear and equal paths to establishing parentage. Our children deserve the security that comes with a stable and legally protected parental relationship. Adopting this best practice legislation will ensure Massachusetts’ parentage law is constitutional and fair and will provide equality, security, and stability for children and parents. Thank you for your consideration, we urge a favorable report of this most important legislation.