



MASSACHUSETTS MEDICAL SOCIETY

Every physician matters, each patient counts.

**TESTIMONY IN SUPPORT OF H.1713/S.947
AN ACT TO ENSURE LEGAL PARENTAGE EQUALITY
BEFORE THE JOINT COMMITTEE ON THE JUDICIARY**

November 14, 2023

The Massachusetts Medical Society (MMS) wishes to be recorded in strong support of H.1713/S.947, *An Act to Ensure Legal Parentage Equality* (“Massachusetts Parentage Act”).

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.

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 Our existing law is outdated and inadequate to address the needs of children and the diversity of modern families today.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 will update the parentage law in the Commonwealth, ensuring that all children have equal access to legal parent-child relationships, regardless of the circumstances of their birth, or the marital status, gender, or sexual orientation of their parents. The bill would create much clearer standards to establish legal parentage of children conceived through assisted reproductive technology. 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 children.

Clarifying who can be a parent and how to establish parentage is critical to the security and well-being of children. Massachusetts case law has evolved in this area, but none of the protections in the case law have been codified in our statutes. Every other New England state has passed these protections. Enacting H.1713/S.947 would end the inconsistent application of the law across the Commonwealth that leaves children vulnerable. 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. For these reasons, we urge a favorable report on this important legislation. Thank you for your consideration.