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November 9, 2023

Joint Committee on the Judiciary
Sen. James Eldridge & Rep. Michael Day, Chairs

**SUPPORT H.1713/S.947
MASSACHUSETTS PARENTAGE ACT**

Dear Chair Eldridge, Chair Day, Vice Chair Edwards, Vice Chair Barber and Members of the Judiciary Committee:

The ACLU of Massachusetts strongly supports H.1713/S.947, *An Act to ensure legal parentage equality*, also known as the Massachusetts Parentage Act (MPA).¹

In the 2021-2022 legislation session, I submitted the personal letter below as testimony on behalf of our organization. I had hoped to only have to submit such testimony once.

Unfortunately, two years later, I am submitting it again because the legislature has not yet acted. Without the MPA, children continue to be born every day into families that remain legally vulnerable and unequal.

I haven't updated the letter because the facts it describes and my feelings about them haven't changed. I will simply add that the wonderful tween had their b'nai mitzvah, stepping proudly into Jewish adulthood. We celebrated and sang and offered blessings.

Here's another blessing I'd offer, if given the chance: May your family, and all families like yours, be treated with respect and equality under the law, speedily and in our time. Amen.

Sincerely,

A handwritten signature in blue ink that reads "Gavi Wolfe". The signature is fluid and cursive, with a long horizontal stroke at the end.

Gavi Wolfe
Legislative Director

In 2009, one of my favorite people in the world was born into one of my favorite families. The parents are queer and one of them does not have a biological

¹ The ACLU takes no position on one issue addressed by the legislation, regarding the judicial enforceability of surrogacy agreements.

relationship to the newborn — the newborn they planned for and brought into the world together and loved with overwhelming love when the child was just a twinkle in their eyes. Because of the happenstance that one parent was not biologically related to the baby, our outdated state law required that parent to adopt their own child.

Our friends asked us to support the adoption by submitting an affidavit to the court. So my wife and I, who are perceived by the world as a fine, upstanding different-gender couple, got to writing the affidavit. It was beyond painful.

My wife has given me permission to share with you an email that she wrote to our friends at the time, which captures how perverse it felt, and was, to participate in this process:

Hi there,

Not sure whether you're checking email these days, but I wanted to send you a draft of my affidavit [...] To tell you the truth, I found this really hard to do. What is there to say? The idea that somehow I have a role in vouching for your relationship to [your child] is absurd. It made me angry and really sad and so I just didn't know what to say. I kept writing things like "of course they are related - she's her MOTHER", or writing paragraphs about why it's offensive that you should need to do this at all, but then erasing those parts and going for bland, stupid legalese instead. [...]

So I'm sending this to you but asking you to keep in mind that I think that this is all bullshit and there's nothing I can say that comes close to describing how I feel about you three. You're just parents, she's just your kid. I'm sitting here crying. Sorry.

Okay, here it is. Lots of love - let me know if you might be up for a visit tomorrow (Sunday) afternoon.

*Love,
me*

Nearly thirteen years later, that sweet, sweet newborn is a sweet, sweet tween preparing for their b'nai mitzvah, and our friends, the proud parents, couldn't be more excited. We can't wait to celebrate with their family, which has grown to include three children, ranging in age from 3 to 12.

My wife and I started a family of our own the year after we wrote that affidavit. Needless to say, we experienced the unearned privilege of not needing anyone to vouch for our relationship to our children when they were born into our family. Our families' kids have grown up together; they call each other cousins. For our part, my wife and I have always looked to our friends as models — models of partnership, of parenting, and simply moving through the world with generous and loving spirits.

Our friends handled the need to ask for the affidavit (and another when their second child was born in Massachusetts a few years later) with grace. Without a choice, they accepted what they had to do in order to legally solidify their relationship to their children. But it still galls my wife and me that *their* pathway to legal parentage had to run through the courts — that they had to jump through hoops and have us and others help legitimize their family in the eyes of our legal system. It doesn't have to be this way. Please pass this legislation so the next generation of loving parents don't have to do the same.

Massachusetts is the only New England state which has not updated its parentage laws, which leaves children vulnerable to many harms, including family separation. Massachusetts courts have tried to keep pace through the case law, but they need guidance and comprehensive policy to ensure that core protections are codified in our statutes.

Based on the Uniform Parentage Act of 2017, the MPA has been thoughtfully crafted by experts in parentage law to meet the needs of children and families. I hope you will report the Massachusetts Parentage Act favorably out of committee.