

January 22, 2020

BILL NO: House Bill 96
TITLE: Family Law - Parentage and Adoption
COMMITTEE: Judiciary Committee
HEARING DATE: January 23, 2020
POSITION: SUPPORT

To the Chair, Vice-Chair and Esteemed Members of the Committee:

My name is Jennifer Fairfax. I own Jennifer Fairfax Family Formation Law Offices which exclusively handles adoption and assisted reproductive technology (ART) matters in Maryland, Virginia and the District of Columbia. I am the former Chair of the Center for Adoption Education and Support, V.P. of the Academy of Adoption and ART Attorneys, I have contributed adoption chapters to the Maryland Judicial handbook, the DC Bar Practice Manual and recently wrote The Adoption Law Handbook published by the ABA in 2018. I also teach at the Maryland Judicial College on issues for both Adoption and ART and speak throughout all three jurisdictions on family building.

I assisted in the drafting of HB 96 to add to the definitions within Family Law 5-1001(h) and (i) which I assisted in drafting last year. In 5-1001 the definition of a father excludes a gamete donor unless he and the mother otherwise agree he will be a father or he is married to her and this bill provides the same language for a mother since we also routinely see egg donors who should not be considered a mother unless they agreed to be the mother or were married to the person giving birth. This added language to the definition of "mother" make it identical to the way we define father, as it should be. This bill also includes "embryo" into the types of gamete donors who are not parents as many families are now using embryo donation to build their families and the donors do not want to be and are not legal parents to the child.

The bill will codify the current practices in Maryland which does not treat any gamete donor as a parent and allows for donation of eggs, sperm and embryos for family building.

I respectfully urge a favorable report.

Sincerely,



Jennifer Fairfax