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A BILL

24-125

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA



To amend Chapter 3 of Title 16 of the District of Columbia Official Code to provide expedited adoption proceedings for a couple who uses assisted reproductive technology to produce a child of their union, to require each intended parent to join in a petition for expedited adoption and furnish specific information to be included in such petition, to require the attachment of certain exhibits to the petition, to provide that the court shall not require a home study or criminal background check on the petitioners seeking an expedited adoption, to require the court to issue 4 copies of the final decree of adoption to the petitioners at no additional cost, and to make technical and conforming changes; to amend the Prevention of Child Abuse and Neglect Act of 1977 to make conforming changes; and to amend the Vital Records Modernization Amendment Act of 2018 to make conforming changes.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this

act may be cited as the “Expedited Adoption Eligibility Amendment Act of 2022”.

Sec. 2. Chapter 3 of Title 16 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended by adding a new section designation to read as follows:

“§ 16-318. Expedited adoption eligibility.”.

(b) Section 16-302 is amended by striking the phrase “if he has one, joins in the petition, except that if either the husband or wife is a natural parent of the prospective adoptee, the natural parent need not join in the petition with the adopting parent, but need only give his or her consent” and inserting the phrase “if the petitioner has one, joins in the petition, except if either spouse is a

31 natural parent of the prospective adoptee, the natural parent need not join in the petition with the
32 adopting parent, but need only give consent” in its place.

33 (c) Section 16-304(b)(1) is amended by striking the phrase “if he is fourteen years” and
34 inserting the phrase “if the prospective adoptee is fourteen years” in its place.

35 (d) Section 16-305 is amended as follows:

36 (1) Paragraph (4) is repealed.

37 (2) Paragraph (5) is repealed.

38 (e) Section 16-307 is amended as follows:

39 (1) Subsection (a) is amended by striking the phrase “section 16-308” and inserting
40 the phrase “§§ 16-308 and 16-318” in its place.

41 (2) Subsection (b)(1)(B) is amended by striking the phrase “whether he is” and
42 inserting the phrase “whether the prospective adoptee is” in its place.

43 (f) Section 16-308 is amended as follows:

44 (1) Subsection (a) is amended as follows:

45 (A) The lead-in language is amended by striking the phrase “may dispense”
46 and inserting the phrase “shall dispense” in its place.

47 (B) Paragraph (1) is amended by striking the phrase “; or” and inserting a
48 semicolon in its place.

49 (C) Paragraph (2) is amended by striking the period and inserting the phrase
50 “; or” in its place.

51 (D) A new paragraph (3) is added to read as follows:

52 “(3) A petition for expedited adoption is filed pursuant to § 16-318.”.

53 (2) Subsection (b) is repealed.

54 (g) Section 16-309 is amended as follows:

55 (1) Subsection (b-1) is amended by striking the phrase “the Mayor that he will” and
56 inserting the phrase “the Mayor that the Mayor will” in its place.

57 (2) Subsection (c)(2) is amended by striking the phrase “if he or she is” and
58 inserting the phrase “if the prospective adoptee is” in its place.

59 (h) Section 16-312(a) is amended by striking the phrase “representative of his adoptive
60 parent or parents in the same manner as a child by birth, and upon the death of an adoptee intestate,
61 his property shall pass and be distributed in the same manner as if the adoptee had been born to
62 the adopting parent or parents in lawful wedlock. All rights and duties including those of
63 inheritance and succession between the adoptee, his natural parents, their issue, collateral relatives,
64 and so forth, are cut off, except that when one of the natural parents is the spouse of the adopter,
65 the rights and relations as between adoptee, that natural parent, and his parents” and inserting the
66 phrase “representative of the adoptive parent in the same manner as a child by birth, and upon the
67 death of an adoptee intestate, the adoptee’s property shall pass and be distributed in the same
68 manner as if the adoptee had been born to the adopting parent in lawful wedlock. All rights and
69 duties including those of inheritance and succession between the adoptee, the adoptee’s natural
70 parents, their issue, collateral relatives, and so forth, are cut off, except that when one of the natural

71 parents is the spouse of the adopter, the rights and relations as between adoptee, that natural parent
72 and the adoptee’s parents,” in its place.

73 (i) Section 16-314(c) is amended by striking the phrase “furnish him” and inserting the
74 phase “furnish the adopter” in its place.

75 (j) A new section 16-318 is added to read as follows:

76 “§ 16-318. Expedited adoption eligibility.

77 “(a) Intended parents that use assisted reproductive technology to produce a child of their
78 union may petition the court for an expedited adoption pursuant to this section under either of the
79 following circumstances:

80 “(1) One of the intended parents gave birth to the child; or

81 “(2) The child was born through a gestational surrogacy process brought about by
82 one or both of the intended parents, and the parentage of only one intended parent was established
83 pursuant to § 16-909(e).

84 “(b)(1) Each intended parent seeking an adoption pursuant to this section shall join in a
85 petition for expedited adoption.

86 “(2) The petition for expedited adoption shall be made under oath or affirmation of
87 the petitioners, and the title of the petition shall be: “Ex parte in the matter of the petition of
88 for expedited adoption”.

89 “(3) The petition shall contain:

90 “(A) The name, sex, date, and place of birth of the prospective adoptee;

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- 91 “(B) The name, date of birth, and addresses of the petitioners;
- 92 “(C) The relationship of the prospective adoptee to the petitioners;
- 93 “(D) A statement of how the prospective adoptee was conceived;
- 94 “(E) The date that the prospective adoptee began residing with the
- 95 petitioners;
- 96 “(F) Any change to the name of the prospective adoptee which may be
- 97 desired by the petitioners;
- 98 “(G) Any change to how the prospective adoptee’s birth certificate should
- 99 identify the petitioners as parents of the prospective adoptee; and
- 100 “(H) Language indicating consent to the expedited adoption by the intended
- 101 parent who gave birth to the prospective adoptee or had parentage established pursuant to § 16-
- 102 909(e).
- 103 “(4) In a proceeding under this section, the petitioners shall file, as exhibits to the
- 104 petition for expedited adoption:
- 105 “(A) A certified copy of any document that evidences the petitioners’
- 106 relationship, such as a marriage certificate or registered domestic partnership certificate, or intent
- 107 to parent together, such as a consent to parent form pursuant to § 16-909(e)(1)(A);
- 108 “(B) A certified copy of the prospective adoptee’s birth certificate; and
- 109 “(C) A sworn statement by the petitioners that a written agreement pursuant
- 110 to § 16-909.01(a)(1) has not been executed.

111 “(c) The court shall not require an investigation, report, and recommendation pursuant to
112 § 16-307 or criminal records check pursuant to § 4-1305.02 prior to the issuance of a final decree
113 of adoption under this section.

114 “(d)(1) The court shall issue a final decree of adoption under this section if it appears from
115 the face of the pleadings that:

116 “(A) The intended parents used assisted reproductive technology to produce
117 a child of their union; and

118 “(B) No other person has a claim to parentage of the prospective adoptee.

119 “(2) Upon issuance of a final decree of adoption, the court shall provide 4 certified
120 copies of the final decree of adoption to the petitioners at no additional cost.

121 “(e) For the purposes of this section, the term:

122 “(1) “Assisted reproductive technology” means any noncoital method of
123 conception used with donor or nondonor eggs or sperm, including in vitro fertilization, gamete
124 intrafallopian transfer, and zygote intrafallopian transfer.

125 “(2) “Intended parents” means:

126 “(A) A married couple;

127 “(B) Domestic partners registered in the District pursuant to § 32-702(a) or
128 recognized by the District pursuant to § 32-702(i);

129 “(C) Individuals who maintain a committed relationship, as that term is
130 defined in § 32-701(1); or

131 “(D) Individuals who signed a consent to parent form pursuant to § 16-
132 909(e)(1).”.

133 Sec. 3. Section 502(4) of the Prevention of Child Abuse and Neglect Act of 1977, effective
134 June 27, 2000 (D.C. Law 13-136; D.C. Official Code § 4-1305.02(4)), is amended by striking the
135 phrase “of this section” and inserting the phrase “of this section or in an expedited adoption
136 proceeding pursuant to D.C. Official Code § 16-318” in its place.

137 Sec. 4. The lead-in language of section 119(a) of the Vital Records Modernization
138 Amendment Act of 2018, effective October 30, 2018 (D.C. Law 22-164; D.C. Official Code § 7-
139 231.19(a)), is amended by striking the phrase “The court” and inserting the phrase “Except for an
140 expedited adoption pursuant to D.C. Official Code § 16-318, the court” in its place.

141 Sec. 5. Fiscal impact statement.

142 The Council adopts the fiscal impact statement in the committee report as the fiscal impact
143 statement required by section 4a of the General Legislative Procedures Act of 1975, approved
144 October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

145 Sec. 6. Effective date.

146 This act shall take effect following approval by the Mayor (or in the event of veto by the
147 Mayor, action by the Council to override the veto), a 30-day period of congressional review as
148 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24,
149 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
150 Columbia Register.