



TO: The Oregon House Committee on Rules
FR: Cathy Sakimura, Esq. Family Law Director & Supervising Attorney
National Center for Lesbian Rights
DA: May 6, 2015
RE: Support for HB 3231 Parentage

Chair Hoyle, Members of the Committee, my name is Cathy Sakimura. As Family Law Director at the National Center for Lesbian Rights, I oversee all our work to ensure that LGBT people and their families are fully recognized and protected by the law. My particular area of expertise is in parentage law— I litigate contested parentage cases and draft and advise lobbyists and legislators on legislation across the country.

This bill addresses the needs of many types of families that are currently left out of Oregon's parentage law, particularly same-sex couples and transgender parents, and all parents using assisted reproduction to conceive. Recognizing the changing needs of these families, the trend across the country is to adopt laws like those in the proposed bill. On the West Coast in particular, other states, including Washington, California, and Nevada, have similar laws.

Through the decades, state and federal laws have been updated to reflect the changing realities of how families form, live, care for each other, and even separate.

The additions and changes in this bill are based for the most part on the Uniform Parentage Act, a uniform law promulgated by the Uniform Law Commission. About half of the states have adopted some version of the Uniform Parentage Act, and a number of other states have adopted portions of the Act.

There are two key needs that this this bill addresses that are especially urgent:

- Clarity that same-sex married spouses having children are fully protected as parents. Because both same-sex parents generally cannot be biologically related to their child, the law must clearly allow non-biological parents to be recognized. This requires changes to several parts of the code.



- Providing parallel protections to unmarried couples having children to avoid serious equal protection concerns. The U.S. Supreme Court has held that laws that treat nonmarital children differently are subject to heightened constitutional scrutiny. For example, serious equal protection concerns would be raised unless equivalent treatment is provided to married and unmarried couples using assisted reproduction. Recognizing this, the Uniform Parentage Act, and the modern trend among states, is to provide equivalent protections to married and unmarried couples using assisted reproduction.

Legal parenthood is more complicated today than in the past. We need to make sure Oregon's laws keep pace with and accurately reflect the experiences of today's families—regardless of the parents' sexual orientation or gender identity—in order to best protect children.

In conclusion, HB 3231 is an important bill and I encourage the committee to pass it. And, I thank you for this opportunity to testify by phone and I will stay on the line to answer any questions.

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