



**TO:** NH Senate Judiciary Committee  
**FROM:** Laura Gandia, Esq., Cornerstone Action  
**DATE:** Tuesday, February 6, 2024  
**RE:** SB 422, changing several references and modifying language in  
parentage and birth records.

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SB 422 seeks to transform the establishment of paternity and modify the landscape of terminology used scientifically, morally, or otherwise to, according to the bill's sponsors and supporters, protect and provide stability for children; however, SB 422 does, in fact, the exact opposite.

Children who are born through assisted reproduction are provided an additional layer of security through the current processes to ensure that their paternity is properly and appropriately identified and protected to secure a clear rite of parentage. Removing this layer of protection for children, under the guise of ease and convenience for adults, is harmful and dangerous.

SB 422 opens the door for unintended consequences. Situations exist for instability, confusion, and abuse. The judicial safeguards in place now will no longer exist. The necessary judicial oversight to ensure the protection of a child's parentage would be destroyed.

This bill, as written, is an open-door policy for a "birth parent" to pick a "non-birth parent" at her own choosing at the time of birth. For example, a mother is pregnant by a man whom she knows by name. That man does not know she is pregnant. She did not conceive the child through assisted reproduction. She gives birth to their child but chooses for her same-sex partner to be the "intended parent" or "non-birth parent" all unbeknownst to the father. Using SB 422 as her tool, the mother, the "birth parent" now establishes this child's parentage, although falsely and fraudulently, and no one is the wiser.

Another example, what if the "birth parent" pregnant through assisted reproduction changes her mind as to whom the intended "non-birth" parent is during the pregnancy. What and where are the processes and rights of the first "intended parent"?

Another example, suppose a "birth parent" pregnant through assisted reproduction has a child and wants her mother to be the "non-birth parent." Under SB 422, this would be allowed. No questions asked. Just fill out the form. SB 422 allows for a "non-birth parent" to be placed on the birth certificate without any independent verification of

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assisted reproduction or of the proper establishment of the “intended parent” or “non-birth parent.”

Further confusion and instability exist in the proposed wording of SB 422 which rips at the existing legislative intent of existing statutes. The existing statutes recognize the biological components of conception involving a mother and a father. SB 422 eliminates “fatherhood” and “motherhood” and their common and vernacular usage upheaving centuries of established principles regarding parenting and conception. This erosion of the use of mother and father, both religiously and scientifically, should cause concern for the passage of SB 422. SB 422 obviates mothers and fathers of their God given titles. Biologically, every child is conceived through the sexual union of a male (father) and female (mother). This biological construct does not change; however, this bill attempts to reconstruct this biological concept resulting in numerous difficulties and practicalities that have significant unintended or perhaps intended consequences detrimental to the functioning of our society. The idea of re-establishing parentage to be anything other than a male and a female contradicts the evolution of society.

This bill appears to try to accommodate those seeking to redefine parenting and conception. The language is not harmonious or complementary to other state statutes leading to further confusion and discourse. The removal of “mother” and “father” has a ripple effect throughout the entire legislative intent of the state’s statutory scheme. The intent of the existing legislation was and is to establish the identity of the biological parents, male and female, mother and father, of a child. The proposed changes alter the legislative intent to accommodate those looking for ease and convenience of establishing one of the most important rights that a person can hold. The overriding unspoken principle here is one of truth and the rights of every child to their biological, God-given parentage. The demands of adults should not be placed ahead of the rights of children to know and benefit from both sides of their genetic makeup.

The recognition of the benefits of the judicial process now in place for our children should be front and center to any legislative change. SB 422 metamorphoses the establishment of paternity and the truth of conception.