



March 29, 2016

Francis V. Kenneally, Esq.
Clerk of the Supreme Judicial Court
For The Commonwealth
John Adams Courthouse
One Pemberton Square, Suite 1400
Boston, MA 02108-1707

RE: No. SJC-12018, Karen Partanen, Plaintiff-
Appellant v. Julie Gallagher, Defendant-Appellee

Amicus Letter of the Massachusetts Bar Association

Dear Clerk Kenneally:

In response to the Court's request for Amicus Briefs in this matter, the Massachusetts Bar Association (MBA)¹ hereby submits an original and seventeen copies of this Amicus Letter supporting the Plaintiff-Appellant and urging reversal of the decision below.

The MBA joins in and adopts by reference the Brief Amicus Curiae filed on behalf of GREATER BOSTON LEGAL SERVICES; CHILDREN'S LAW CENTER OF MASSACHUSETTS; MASSACHUSETTS LGBTQ BAR ASSOCIATION; WOMEN'S BAR ASSOCIATION OF MASSACHUSETTS; COMMUNITY LEGAL AID;

¹ A Statement of the Interest of the Amicus MBA is attached.

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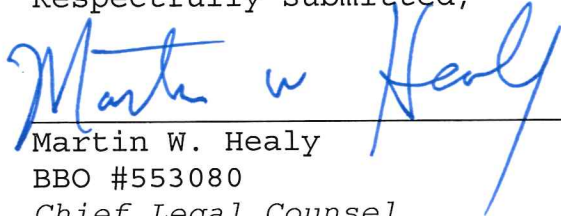
CAROLYN N. FAMIGLIETTI; AND MAUREEN MCBRIEN. *Cf.* Mass. R. App. Proc. 16 (j). All three questions posed in the Request for Amicus Briefs should be answered, "Yes."

In particular, the Massachusetts Bar Association, which has supported the legislative policies advanced by Chapter 209C, urges that the statute be interpreted to support the Appellant's claim to legal parentage. Under *Goodridge v. Department of Public Health*, 440 Mass. 309 (2003), Chapter 209C should be read in a gender-neutral fashion. Chapter 209C, §6(a)(4), speaks directly to issue 2 in the request for Amicus Briefs in this case. The provision states that a person is presumed a parent if, while the child was a minor, that person "jointly with the mother, received the child into their home and openly held out the child as their child." Genetics are not dispositive. In the case at bar, where a biological mother and a person who, prior to the couple's split-up, was living with the mother and accepted the children openly and held them out as their children, the non-biological parent should be presumed a parent under the statute. Doing so comports with the general policy to provide an

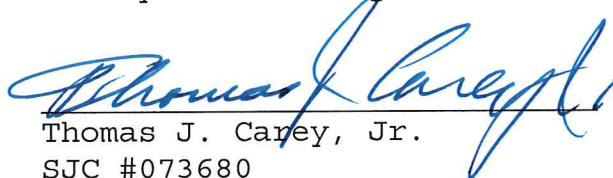
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economic safety net for children born out of wedlock,
see c. 209C, §1, and also protects non-marital
children of same-sex couples equally with non-marital
children of opposite-sex couples. The MBA also adopts
and incorporates herein by reference arguments II A
and II B (1)-(3) presented in the Amicus Brief of the
Attorney General of the Commonwealth.

Respectfully submitted,



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