

# Massachusetts Redefines De Facto Parentage with New Law in 2025

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By Nicole K. Levy



***Attorney Nicole K. Levy reviews how the new Massachusetts Parentage Act (MPA) will impact de facto parentage cases in 2025.***

On January 1, 2025, the [Massachusetts Parentage Act \(MPA\)](#) went into effect, along with the changes implemented to Chapter 209C, which has historically addressed [children of unmarried parents](#). The new law updates Massachusetts law on establishing and recognizing legal parent-child relationships in order to include more families and protect families formed through assisted reproduction, “de facto” parents, and [LGBTQ families](#).

## **What is the Scope of the Massachusetts Parentage Act?**

By defining a broader recognition of parentage, the MPA incorporates all legal forms of parentage such as assisted reproduction and “de facto” parentage. Not only does this create less legal barriers for families, but the MPA allows for a more streamlined path to establish legal parentage, reducing the need for litigation. The new law also seeks to recognize “intended parents” as legal parents from the outset, even before birth.

The MPA updates Chapter 209C and adds in protections for children born through assisted reproduction, surrogacy, and children of de facto parents; however, most notably, section 65 of the MPA adds an entire new section to [209C, Section 25](#). This new section codifies areas that were previously based on case law only, with the landmark case being [E.N.O. v. L.M.M \(1999\)](#).

For parties seeking to establish rights as a de facto parent, [Section 25](#) carves out the procedure, the legal standards, and the factors reviewed by a judge. Previously, these actions needed to be filed as an equity action under [Chapter 214](#). Now, parties and children subject to possible de facto actions are included in c. 209C.

### **New Standard for De Facto Parents**

The new [Section 25](#) of c. 209C outlines the requirements that need to be met in order to be adjudicated as a de facto parent. The filing party must demonstrate:

1. The plaintiff resided with the child for a significant period (at least 2 years).
2. The plaintiff provided consistent caregiving.
3. The plaintiff took full and permanent parental responsibilities without financial compensation.
4. The plaintiff held out the child as their own.
5. A bonded, dependent relationship was established.
6. Both parents consented to the relationship.
7. The adjudication is in the best interest of the child, considering any past abuse.

The “best interest of the child” standard still applies. Section 25(i) specifically outlines that the court consider a [history of abuse](#), and if the de facto parent utilized [coercion or duress](#) in order to establish their relationship with the child. Evidence or a pattern of abuse will create rebuttable presumption against adjudicating a de facto parent.

### **Temporary Orders Now Available for De Facto Parents**

Because the prior law required de facto parents to establish their rights through equity actions, de facto parents often faced particular challenges obtaining the kind of temporary orders for custody that routinely available to married and unmarried parents under Chapters 208 and 209C.

The MPA now authorizes a court to enter a temporary order allowing contact between a child and a presumptive de facto parent subsequent to the court making certain findings. [Section 25](#) specifically states that a proceeding to establish parentage of a child may be commenced only by an individual who: is alive when the proceeding is commenced; and claims to be a de facto parent of the child. This prevents those with de facto claims from waiting until trial to be granted time with the child and also prevents defendants from utilizing the litigation process to create a rift in the alleged relationship.

The MPA and [Section 25](#) include sections that clearly outline the legal process for establishing de facto parentage, including eligibility requirements, whether a party has standing, and the

conditions under which a plaintiff may be recognized as a legal parent. They expand the definition of “family” in Massachusetts and eliminates some of the legal hurdles that non-biological parents faced.

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**Schedule a consultation with [Nicole K. Levy](#) today at (781) 253-2049 or send [him an email](#).**

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