

CHAPTER 14

ADOPTIONS

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INTRODUCTION

This chapter is written for people who want to adopt a child. The very first question you need to consider is whether you need a lawyer to do this. There are some cases where you probably will be able to go through the adoption procedure without having to retain a lawyer. These situations may include stepparent adoptions, but even in these cases, it is preferable to have a lawyer. In most other adoptions, it will be absolutely critical for you to have a lawyer. Often, you will need a lawyer because frequently there are variations between what the law says and what particular courts require. In fact, there are often variations in the practice of judges of the same court. If you find that you do need a lawyer, please see Chapter 20, Resources, for information on how to find a free lawyer or one who will charge a reduced fee.

This chapter does not cover situations where you are a foster parent or a preadoptive parent—in other words, if you are caring for a child who is in the legal custody of the Department of Social Services (DSS). If you are in this situation and are interested in adopting the child for whom you are caring, it is a good idea to get a lawyer to assist you. If you are able to get a lawyer, he or she may be able to file a motion to intervene in the care and protection action or take other steps that may help you adopt the child for whom you are caring. If you are not able to get a lawyer, try to work with DSS or the child’s lawyer.

OVERVIEW OF ADOPTION PROCESS

Massachusetts is an “agency” state. This means that a private adoption between parties is not allowed. Rather, in virtually every adoption there is a requirement that either DSS or a licensed agency be involved and approve the adoption. As you will see below, there are some occasions when this requirement can be waived.

Most adoptions will be filed in the Probate and Family Court of the county where the adoptive parents reside. After all of the necessary papers are filed, a hearing will be held in which a judge will review the papers. If everything is in order, the judge will approve the adoption. A more detailed description of each of these steps is provided below. It is very important that you carefully comply with each of the requirements.

Who Can Adopt?

In Massachusetts, anyone who has reached the age of majority (which is eighteen, defined in G.L. c. 231, § 85P) can adopt another person who is younger than him or her, unless the person to be adopted is the spouse, brother, sister, uncle, or aunt of the person seeking to adopt. G.L. c. 210, § 1.

- The child to be adopted must have lived with you for at least six months. G.L. c. 210, § 5A. Under some circumstances, the court, in its discretion, can waive this requirement. G.L. c. 210, § 5A.

- For married couples who want to adopt, both spouses' names must be included on the adoption petition. G.L. c. 210, § 1.
- Same-sex couples and unmarried couples of the opposite sex may adopt. *See Adoption of Tammy*, 416 Mass. 205, 212 (1993).

Practice Note

If you are still legally married but are no longer involved with your spouse, you should get a divorce. When the divorce is finalized, you can then pursue the adoption in your name only.

Adoptions usually begin in one of two ways. The first is that an agency or DSS will approve a family for adoption and then place a child with them. In these cases, DSS or the agency will usually do a home study and initiate the necessary steps to formalize the adoption. The second way adoptions happen is that a person begins to care for a child who was not born to them and then decides to adopt the child. Such a person can file a petition for adoption if they have met all of the necessary requirements. See **Exhibit 14A**.

You may not adopt a child under the age of fourteen unless you are in one of the following situations:

- the child has been placed with you by DSS or by an agency authorized by DSS for that purpose;
- DSS or an authorized agency has approved the adoption in writing;
- you are a blood relative of the child;
- you are a stepparent of the child;
- you were named in the will by the deceased parent or parents as the guardian or adoptive parent, G.L. c. 210, § 2A; or
- you are part of an unmarried couple (either same-sex or opposite sex), one of whom is already the legal parent of the child through birth or adoption, *Adoption of Tammy*, 416 Mass. 205 (1993).

Who Must Give Consent and How?

There are certain persons who must consent in writing to the adoption. These persons are:

- the child to be adopted if he or she is over the age of twelve;
- the spouse of the child to be adopted (if applicable);
- the lawful parents or surviving parent of the child to be adopted; and
- the mother only if the child was born out of wedlock and not previously adopted. (However, while the consent of a father of a child born out of wedlock is not required, some fathers may have the right to receive notice that someone wants to adopt their child. See below.)

G.L. c. 210, § 2.

If consent is not available from either the mother or the father, the court will issue a citation. See “What Happens If the Lawful Parents Have Not Consented to the Adoption,” below.

Practice Note

The lawful mother is either the birth or adoptive mother of the child. The lawful father is either the adoptive father of the child or any of the following:

- a man who was married to the birth mother of the child and the child was born during the marriage or 300 days after the marriage;
- a man whose paternity has been established by a court; or
- a man whose rights have been established in another action, for example, by listing the child as a child of the marriage in a divorce action.

The written consent, known as “the surrender,” must be in a specific form. G.L. c. 210, § 2. This form is found at **Exhibit 14B**. A person whose consent is required must sign the surrender before a notary and two witnesses, one of whom should be chosen by the person signing the surrender. G.L. c. 210, § 2. If the person signing the surrender is not represented by a lawyer, it is a good idea to encourage that person to talk to a lawyer or some other professional

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who is experienced in these matters before signing the surrender. If you are trying to adopt a newborn child, the surrender cannot be signed by the birth parent until at least the fourth calendar day after the birth of the child. G.L. c. 210, § 2. It is a good idea to have the birth parent sign two original surrenders.

If the child you are adopting was born out of wedlock and the father has not signed a consent, you must find out if the father has filed a declaration seeking to assert the rights of fatherhood or a paternal responsibility claim. General Laws c. 210, § 4A allows a person who thinks he may be the father of a child born outside of marriage to file a claim with the Department of Social Services (DSS) stating that he is willing to accept parental responsibility if the mother does not want to or is unable to parent the child. (If a father files this information, it is considered an admission of paternity.) You may ask the DSS to check if the alleged father has filed a paternal responsibility claim. If a claim has been filed, DSS will send a notice to the father stating that an adoption process for the child is pending. At this point, the person claiming paternity can file his own petition for adoption or custody within thirty days of the date of the notice from DSS. If he does not take any action, he is not entitled to any further notice concerning custody, guardianship, or adoption of the child. This same procedure applies for fathers whose paternity has been adjudicated by the court.

Practice Note

It is the practice of the Probate and Family Courts to give notice to either identified or unknown birth fathers. In this case, the court will want to be sure to get the consent of the birth father, determine that his consent is not required, or make sure he has notice of the adoption.

If the child you are adopting was born out of wedlock and paternity of the child has not been established, the mother should voluntarily sign a statement before a notary and two witnesses, one of whom should be selected by the mother. G.L. c. 210, § 2. The statement should identify the child's father (or the person the mother believes to be the father) and his current or last known address. G.L. c. 210, § 2. If the birth father cannot be found or is not identified, the court may order you to give notice by publication. See "What Papers Need to Be Filed and How to Fill Them Out," below.

When Is a Home Study Required?

A home study is an investigation by DSS or another licensed agency that determines whether you should be able to adopt the child. A home study is required for all adoptions of children under the age of fourteen unless the child is already the child of one of the petitioners—in other words, in stepparent or coparent adoptions. G.L. c. 210, § 5A. You may not need a home study if the child you intend to adopt is a blood relative or the child's deceased parent named you as the proposed guardian or adoptive parent in their will. However, it is the practice of some of the courts to require an agency, usually the Department of Social Services, to agree to the child's placement regardless of the nomination in a will.

Practice Note

If you are involved in a stepparent or coparent adoption, you will need to file a motion to waive the home study as well as an affidavit in support of the motion. For a discussion of waiver of a home study in a coparent adoption, see *Adoption of Galen*, 425 Mass. 201 (1997). For a sample motion to waive the home study, see **Exhibit 14C**.

If you will need a home study, you should contact DSS, which is authorized to conduct home studies for any preadoptive families. You must contact DSS even if it is not involved in the child's case. However, DSS gives priority in conducting home studies for those cases in which they are involved or where a court has ordered DSS to do a home study. This means that if DSS is not involved with the child for whom you are caring, you may have to wait some time for the home study to be completed.

You may also try to get a private agency that is licensed for these purposes to conduct a home study. The costs of the home study may be expensive, but some agencies may be willing to do the home study on a reduced fee basis. There are draft regulations that require licensed agencies to disclose to people the agency's policy for "assisting less affluent persons to become adoptive parents." See 102 C.M.R. § 5.04(7). For a list of the agencies that are authorized to conduct home studies, see Chapter 20, Resources.

What Happens If the Lawful Parents Have Not Consented to the Adoption?

If the lawful parents of the child to be adopted have not consented to the adoption, then you should work with an agency such as the Department of Social Services. The agency will then ask the judge assigned to the adoption to determine that it is in the best interest of the child not to require the consent of the lawful parents. G.L. c. 210, § 3(a)(ii). To make this determination, the court will consider many factors. G.L. c. 210, § 3(c). The judge assigned to the case when you file the petition for adoption will make this determination. To do this, you will need to have care or custody of the child—that is, you will have to have been given legal custody of the child by a court. G.L. c. 210, § 3(a).

Practice Note

These cases are difficult to handle without the assistance of an attorney. If you are seeking to adopt a child and do not have the consent of the parents or the involvement of the Department of Social Services, you are very strongly encouraged to seek the advice of an attorney.

If the parents, lawful or otherwise, have not signed a surrender, the court will issue a citation and order you to give notice of the adoption proceeding to the lawful parents, as well as to the unknown or unnamed father. G.L. c. 210, § 4. Personal service is required. G.L. c. 210, § 4. This means that if you know the address of the parents, you should contact a sheriff, a deputy sheriff, or a constable and request him or her to serve the parent(s) with the adoption petition and the citation that you will get from the court. Unif. Prob. Ct. Prac. Xa, 3(A).

If the address of the parent is unknown, notice is given by sending a copy of the petition by first class mail to the last known address of each of the parents at least fourteen days before the return day. Typically, the court will also order you to publish a notice in a newspaper chosen by the court once per week for three consecutive weeks, the last publication occurring at least seven days before the return date. G.L. c. 210, § 4. The cost for this may be expensive, so if you think that you cannot afford the fee, you should fill out an affidavit of indigency and request for waiver of fees and costs and a motion for payment of the costs of publication. This will also enable you to get a certified copy of the adoption decree. For a complete discussion of how to get certain fees waived or paid for by the court, see Chapter 2, Overview of the Probate and Family Court. See also **Exhibit 2A**, Affidavit of Indigency and Request for Waiver, Substitution, or State Payment of Fees and Costs, and **Exhibit 50**, Court Order for Costs and Fees.

You therefore will be giving notice to the parents in one of two ways: either by having the parent served in hand or by mail and by publishing a notice in a local newspaper. After this has been done, you should make sure you fill out the “return of service” and file it with the court. If you are publishing notice in the newspaper, you should make sure the newspaper sends you a copy of the notice and you should fill out the “return of service” and return it with copies of the three notices to the court, along with the verification that you mailed the citation.

Children Born Out of Wedlock

If you are trying to adopt a child born out of wedlock and the birth mother has signed a surrender releasing the child for adoption, you must determine whether the birth father has filed a parental responsibility claim. This claim is a form filed by the birth father with the Department of Social Services. G.L. c. 210, § 4A. In order to see if a parental responsibility claim has been filed, you should contact DSS and give them the name of the child, his or her place of birth, and his or her date of birth. You should write or fax DSS at:

Department of Social Services
 Parental Registration Division
 24 Farnsworth Street
 Boston, MA 02210
 Fax: (617) 261-7428
 Tel. (617) 748-2011

If there is a parental responsibility claim, DSS will notify the birth father by registered mail that the child is in the process of being adopted. G.L. c. 210, § 4A. The birth father may then file a petition for adoption or custody of the child within thirty days of the mailing of the notice. G.L. c. 210, § 4A. Alternatively, he may sign a surrender.

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If there is no parental responsibility claim, DSS will notify you and you should file this document with the court. If there is no parental responsibility claim or if the birth mother has not identified the birth father, the Probate and Family Court will require notice to the identified father or the unknown birth father either by notice or by publication.

After notice has been given, the birth parent(s) may indicate to the court that he or she objects to the child being adopted. It will be up to the court to determine if it is the child's best interest to be adopted. This will be determined after a trial in which you will have to prove that the legal parent or parents are unfit and it is in the child's best interest to be adopted by you.

In addition to giving notice to the lawful parents, you are required to notify DSS. G.L. c. 210, § 4. You may satisfy this obligation by sending a copy of the adoption petition to DSS.

What Papers Need to Be Filed and How to Fill Them Out

After you have thought about all of the issues that are discussed above, you will then be ready to file all of the necessary papers in the Probate and Family Court. When you are ready to file the adoption, you will not have to pay a filing fee. What follows is a list and description of papers that will be required in most adoption cases. There may be some additional papers required depending on the circumstances of your case. The documents with an asterisk after them are available at the Probate and Family Court of the county where you live. When you sign any of these papers, be sure to use a black pen.

Practice Note

On all of these forms, remember that you are the petitioner—i.e., the person who wants to adopt the child.

The Petition for Adoption*

If there is more than one child, you will need to fill out separate petitions for each child. The people seeking to adopt are "the petitioners." Next to "2" on the form where it asks for "name of mother" and "name of father," you should provide the names of the birth parents. Finally, if the child to be adopted is above the age of twelve, he or she needs to sign the petition in front of a notary. A copy of this form is included as **Exhibit 14A**.

Affidavit of Petitioner for Adoption*

This affidavit is signed by the person or people seeking to adopt. The signatures must be notarized. A copy of this form is included as **Exhibit 14D**.

Birth Certificate

You will need a certified copy of the child's birth certificate. This is available from the city or town where the child was born or from the Department of Vital Statistics at 150 Mt. Vernon St., 1st Fl., Dorchester, MA 02125, tel. (617) 753-8600. If the parents are consenting and are in agreement with your plan to adopt, try to get the birth certificate from them. Otherwise, you will need to be the guardian of the child to get a certified copy of a birth certificate.

Marriage Certificate

If you are married, you will need a certified copy of your marriage certificate. This is available from the city or town where you got married.

Divorce Judgment

If you are divorced, you will need to have a certified copy of your divorce judgment. You can obtain a copy of the judgment from the Probate and Family Court where you received the divorce.

CARI Record Check (CP2)*

This form is used to check the criminal record of each of the petitioners. A copy of this form is included as **Exhibit 14E**.

Home Study

The home study is the report approving the adoption done by DSS or a licensed agency. If you are seeking to waive the home study, you will need to file a motion to waive the home study and an affidavit in support of that motion. A sample motion to waive the home study is included as **Exhibit 14C**.

Affidavit Disclosing Care or Custody Proceedings*

You should fill this form out and list any other legal proceedings involving the child or children you are seeking to adopt. You will need a separate form for each child if more than one child is being adopted. A sample of this form is included as **Exhibit 5I**.

Affidavit from DSS Regarding a Search of the Parental Responsibility Claims

This form is required only if you are adopting a child who was born to a woman who was not married at the time of the child's birth and the birth father has not signed a surrender.

Federal and Central Registers of Missing Children Search Request

This form is required to verify that the child being adopted is not registered with the federal register or the central register for missing children. G.L. c. 210, § 5A. It is sent to you by the court after you have filed the other papers. You will send the form to DSS according to its instructions.

Surrender Forms

If either of the lawful parents signed a surrender, the original of the surrender should be included with the other documents.

Judgments from Other Legal Proceedings

If a court in another proceeding has terminated the rights of one or both of the lawful parents or found that their consent to the adoption should not be required, certified copies of these judgments should be included.

Affidavit of Indigency and Request for Waiver of Fees and Costs and Motion to Request Court to Pay Costs*

These forms are necessary if you will be required to serve the parents either in hand or by publication. A copy of the affidavit of indigency is included as **Exhibit 2A**.

WHAT HAPPENS NEXT?

After you file all the necessary papers in the Probate and Family Court, the following things will happen:

- In some counties, you will be told which judge has been assigned to your case.
- You will be given a citation (see sample at **Exhibit 14F**), which is the legal document issued by the court to notify any parents who have not signed a surrender or have not had their rights terminated that an adoption petition has been filed. It is served in the manner described in "What Happens If the Lawful Parents Have Not Consented to the Adoption," above.

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- The court will instruct you as to what form of notice you must give if notice is required. This will appear on the citation.
- The court will either rule on any motions that you have filed or schedule a hearing for the judge to hear your reasons why the motion should be granted.
- The judge may appoint a guardian ad litem (GAL) or a probation officer (also known as a family services officer) to conduct an investigation in your case.

A GAL is a person (usually a lawyer or mental health professional) who will conduct an investigation and write a report to the judge either recommending or not recommending the adoption. The limits of this investigation are set by the judge. The probation officer or GAL will usually inquire as to what is in the child's best interest, as to the fitness of the birth parents, and as to the ability of the person who wants to adopt the child. As part of his or her investigation, the GAL or probation officer will talk to the child's pediatrician, teachers, or others who have been involved in the child's life. If there are particular people who you would like to be interviewed, you should give the GAL or the probation officer those people's names and phone numbers. The costs of the GAL will be paid by either the prospective adoptive parents or the court.

THE HEARING

After all the papers have been filed and the judge has ruled on the various motions, and assuming neither of the birth parents have objected, you may call the Probate and Family Court and ask when a hearing on the adoption will be scheduled. At this time, you can inquire whether any other papers will be required.

Practice Note

You should make sure that you have filed all of the necessary papers in order to avoid any delays. Sometimes it takes a long time for DSS to complete the home study.

When the hearing is scheduled, both the prospective adoptive parent(s) and the child should attend. At the hearing, which is usually in the judge's office or chambers, the judge will review all the papers and approve the adoption. Some time later, you will receive a decree of adoption from the court. The decree will usually be sent to the local entity that records births and then a birth certificate for your child will be issued indicating that you are the child's parent. The child's original birth certificate will be sealed.

AFTER THE HEARING

Once the court has granted the adoption, you are the child's lawful parent. G.L. c. 210, § 6. The child's birth parents no longer have any relation to the child. G.L. c. 210, § 6. Unless you have signed an open adoption agreement, the birth parents will not be able to see the child after the adoption. Such an agreement allows for the birth parents to continue a relationship with the child or children after the adoption is final, which is known as an open adoption. If you are planning on having an open adoption, you should have a lawyer assist you with negotiating the agreement.

After the adoption is finalized, the child will no longer be able to inherit from his or her birth parents. G.L. c. 210, § 7. There is one exception to this rule. Where one parent dies and the other parent remarries and the child is adopted by the stepparent, the child can still inherit from the parent who died. G.L. c. 210, § 7.

CONCLUSION

Finally, you should be aware that now you may be eligible for certain tax credits for some of the costs of adoption. To find out more about this, contact the IRS and ask for publication Number 8839. In addition, many employers are now offering assistance with the costs of adoption. You should check with the personnel office of your employer to see about this option.

EXHIBIT 14A—Petition for Adoption

**Commonwealth of Massachusetts
The Trial Court**

_____ Division **Probate and Family Court Department** Docket No. _____

Petition for Adoption of

_____ (name of child)

M.G.L. c. 210, § 6

To the Justices of the Probate and Family Court:

RESPECTFULLY represents

PETITIONER (1)

If petitioner (1) is married, his/her spouse must join in the petition:

_____ (PRINT name of petitioner)

_____ (street address)

_____ (city or town/state/zip code)

_____ (telephone number)

_____ (PRINT name of spouse)

that they are (he/she is) desirous of adopting the following child:

1. _____ (child's name)

Date of Birth _____

Place of Birth _____

2. _____ (name of mother)

_____ (name of father)

_____ (street address)

_____ (street address)

_____ (city or town/state/zip code)

_____ (city or town/state/zip code)

3. that the petitioner(s) is (are) of sufficient ability to rear the child, and to provide suitable support and education for the child; and,

4. that:

- the child has resided for at least six months in the home of the petitioner(s.)
- the child was the subject of a proceeding pursuant to M.G.L. c. 210, § 3 wherein the Court dispensed with the need for consent of or notice to the parent(s) on a petition for adoption.
- the child was the subject of a surrender which was executed pursuant to M.G.L. c. 210, § 2. At the time of her surrender the mother was _____ years old. At the time of his surrender the father (legal) was _____ years old.

(OVER)

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WHEREFORE they (he/she) pray(s):

- for leave to adopt said child;
- that the court waive the residence requirement for good cause: (explain)
_____ ; and,
- that said child's name be changed to that of _____.

Date _____ SIGNATURE OF PETITIONER 1 _____

SIGNATURE OF SPOUSE (PETITIONER 2) _____

This petition is sponsored, recommended and approved by _____
(name and address of agency)

a charitable corporation organized under the laws of the Commonwealth of Massachusetts for the purpose of engaging in the care of children and principally so engaged.



I, _____, being above the age of twelve years, hereby
(PRINT name of child)
consent to this adoption as above prayed. _____
(signature of child)

WITNESS _____ WITNESS _____

NOTARIZATION

The above signed _____ made oath before me on _____ that
(name of child) (date)
this consent is his/her free act and deed.

Signature of Notary Public _____

Print Name _____ My Commission Expires _____



For Petitioner(s):

(name)

(firm name/street address)

(city/town/state/zip code)

PETITION — DECREE

Filed _____ 19 ____
Citation issued _____ 19 ____
Returnable _____ 19 ____
Allowed _____ 19 ____

Tel. No. () _____

B.B.O. # _____

Instructions

1. Refer to M.G.L. c. 210, et seq.
2. A certified copy of the child's Birth Record (certificate) must be furnished.
3. The corresponding affidavit forms must accompany the filing of this petition.
4. Certification from the Department of Social Services that the child is not registered with the federal register for missing children must be filed. If the petition is presented, sponsored, or recommended by a charitable corporation organized under the general or special laws of the commonwealth for the purpose of engaging in the care of children and is principally so engaged, then no such certification is required.

EXHIBIT 14B—Surrender Form

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

PROBATE COURT
SURRENDER FORM

I, as the _____ of _____, _____, of the _____ sex,
relationship name of child age
 born in _____, on the _____, do hereby voluntarily and uncondi-
place of birth date of birth
 tionally surrender _____ to the care and custody of
child
 _____ for the purpose of adoption or such other
agency or person receiving custody
 disposition as may be made by a court of competent jurisdiction. I waive notice of any legal pro-
 ceeding affecting the custody, guardianship, adoption or other disposition of _____.
child

I UNDERSTAND THAT THIS SURRENDER IS FINAL AND CANNOT BE REVOKED

/s/ _____
person giving consent

On this _____ day of _____, 19____, _____ before me
 personally came and appeared _____ and in my presence duly executed the
 foregoing instrument, and _____ acknowledged to me that _____
he/she he/she
 executed the same as _____ free act and deed, fully cognizant of its irrevocability.
his/her

Date

State of

 Notary Public

County of

Signed by _____ as _____ freely executed
name of person giving consent his/her
 consent in the presence of each of us, and of each other, who thereafter have hereunto signed our
 names as witnesses.

/s/ _____
 Address

/s/ _____
 Address

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COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

PROBATE COURT
NO.

SURRENDER FORM

Filed 19 .

EXHIBIT 14C—Motion to Waive Home Study

COMMONWEALTH OF MASSACHUSETTS

Suffolk, ss.

Probate and Family Court Dept.
Docket No.

)
In Re: Adoption of _____
)

)

MOTION TO WAIVE HOME STUDY

Petitioners _____ and _____ hereby move the Court to waive the provisions of G.L. c. 210, § 5A requiring the Department of Social Services (“DSS”), or another charitable corporation organized to conduct such inquiries, prepare and submit to the court a report concerning the appropriateness of the proposed adoption. In support thereof, the Petitioner, _____, submits an Affidavit, attached hereto and incorporated herein by reference. In further support thereof, the Petitioners state as follows:

1. The petitioner, _____, is the biological mother of [child], who was born on [date].
2. [Child]’s birth father is _____ to whom [child’s mother] was married. [Birth father] was divorced from [mother] in _____ of 20__.
3. [Child’s birth father] last visited with [child] in September of 200__.
4. In November of 200__, [mother] married her current husband, _____.
5. Since that time, [stepfather] has acted like a father to [child].
6. [Stepfather] has supported [mother] and [child] since they met.
7. [Stepfather] is quite involved in [child]’s life. He helps him with his homework. He goes to sporting events with [child]. He sometimes takes [child] to work with him. [Child] calls [stepfather] “Dad.”
8. G.L. c. 210, § 5A provides that the Court may waive the requirement that DSS conduct a study “in the case of a petition for the adoption of a child of one of the parties petitioning for said adoption.”
9. Petitioner _____ is the biological mother of [child].

WHEREFORE, the Petitioners request that this Court waive the requirement that the Department of Social Services or another social service agency make an inquiry and submit a report to the Court.

By their attorney,

BBO #

Date:

EXHIBIT 14D—Affidavit of Petitioner for Adoption

Commonwealth of Massachusetts The Trial Court

_____ Division

Probate and Family Court Department

Docket No. _____

Affidavit of Petitioner for Adoption M.G.L. c. 210, § 6

MOTHER

(PRINT name of petitioner, including maiden name)

(street address)

(city or town/state/zip code)

(telephone number)

(date of birth)

(place of birth: city/town, state, county, country)

(occupation at the time of adoption)

FATHER

(PRINT name of petitioner)

(street address)

(city or town/state/zip code)

(telephone number)

(date of birth)

(place of birth: city/town, state, county, country)

(occupation at the time of adoption)

I (We) hereby request that a certificate of this adoption be sent to the city or town clerk of the place of the birth of the child and that the clerk of the records amend the birth certificate of the child to reflect this adoption.

SIGNATURE OF MOTHER

SIGNATURE OF FATHER

NOTARIZATION

The above signed made oath before me on

(date)

that this affidavit is her free act and deed.

Notary Public _____

Print Name _____

My Commission Expires _____

The above signed made oath before me on

(date)

that this affidavit is his free act and deed.

Notary Public _____

Print Name _____

My Commission Expires _____

EXHIBIT 14E—Intake Sheet for CARI Search

**Commonwealth of Massachusetts
The Trial Court**

_____ Division **Probate and Family Court Department** Docket No. _____

INTAKE SHEET FOR CARI SEARCH

INSTRUCTIONS:

All restraining orders pursuant to M.G.L. c. 208, § 18 (pendency of divorce); M.G.L. c. 209C, § 15 (paternity); M.G.L. c. 209C, § 20 (modification of paternity); M.G.L. c. 208, § 34B (divorce, nullity of marriage, separate support); and, M.G.L. c. 209, § 32 (abandonment or living apart for justifiable cause) shall be criminally enforceable and must be entered in the statewide domestic violence record keeping system. This is a request for a civil order to protect the person seeking the restraining order from future abuse. The actions of the person against whom the restraining order is sought may also constitute a crime subject to criminal penalties. Information about filing a criminal complaint can be obtained from the District Attorney's Office for the location where the alleged abuse occurred. Any party seeking a restraining order pursuant to these statutes **MUST** fill out ALL of the following information to the best of her or his knowledge and belief. **Any plaintiff seeking a M.G.L. c. 209A (abuse protection) order should only fill in her or his name if the address is requested to be impounded.**

PLEASE PRINT

PERSON SEEKING THE RESTRAINING ORDER

Name _____

Address _____

CHECK IF ADDRESS IS CONFIDENTIAL

PERSON AGAINST WHOM THE RESTRAINING ORDER IS SOUGHT

Name _____

Address _____

Date of Birth _____ SEX Male Female

Place of Birth _____

Social Security Number _____

Father's Name _____

Mother's Name _____
(Including maiden name)

List all Alias(es) _____

SIGNATURE OF PERSON SUPPLYING INFORMATION

DATE

PROBATION DEPARTMENT STATEMENT

A search was made of the records contained within the statewide domestic violence record keeping system maintained by the Office of the Commissioner of Probation and the review determined that the named defendant did not have a civil or criminal record involving domestic or other violence.

A search was made of the records contained within the statewide domestic violence record keeping system maintained by the Office of the Commissioner of Probation and the review determined that the named defendant did have a civil or criminal record and that record is attached for the judge's review and further order, if necessary.

Insufficient information was furnished to complete search.

PFC NO:

SIGNATURE OF PERSON CONDUCTING SEARCH

DATE

COURTROOM COPY

EXHIBIT 14F—Citation

Commonwealth of Massachusetts
The Trial Court
Probate and Family Court Department
SUFFOLK Division Docket No.

CITATION
M.G.L. c. 210, § 6

In the Matter of (child's name), minor
To (name)

(street address) (city or town) (state)

and/or (name)

(street address) (city or town) (state)

persons interested in a petition for the adoption of said child and to the Department of Social Services of said Commonwealth.

A petition has been presented to said court by (petitioner(s) name and town)

praying for leave to adopt said child and that the name of the child be changed to

IF YOU DESIRE TO OBJECT THERETO YOU OR YOUR ATTORNEY MUST FILE A WRITTEN APPEARANCE IN SAID COURT AT

before TEN O'CLOCK in the forenoon (10:00 A.M.) on (date)

Witness Elaine M. Moriarty Esquire, First Justice of said Court.

Date Register of Probate

Order of Notice

It is ordered that notice of said proceeding be given by mailing to the Department of Social Services and by delivering in hand and if in hand service cannot be accomplished, then by mailing by certified mail, return receipt requested, a copy of the foregoing citation to said interested persons fourteen days at least before said return date, and if service is made by mail, unless it shall appear that all persons interested have received actual notice, by publishing a copy thereof in the

(name of newspaper published in the city or town of the parent(s) last known address, if known, or if the city or town of the parent(s) last known address is not known, then the city or town of the child's birth, if known, or in the county where the petition was filed.)

publication to be once in each of three consecutive weeks, the last publication to be seven days at least before said return day.

Witness Elaine M. Moriarty Esquire, First Justice of said Court.

Date Register of Probate

(OVER)

□ **CHAPTER 14: ADOPTIONS**