

CHAPTER 14

ADOPTIONS

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INTRODUCTION

This chapter is written for people who want to adopt a child. The first question you should consider is whether you need a lawyer to do this. In some situations, such as a stepparent or coparent adoption, you may not need to retain a lawyer. But in most situations it will be critical for you to have a lawyer. Sometimes there are variations between what the law says and what particular courts and judges require. If you find that you do need a lawyer, 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 Children and Families (DCF). If this is the case and you are interested in adopting the child for whom you are caring, it is a good idea to get a lawyer to advise you. A lawyer can advise you during the process and may be able to file a motion to intervene in the care and protection action. If you are not able to get a lawyer, it will be important to work cooperatively with DCF and the child’s lawyer.

OVERVIEW OF THE ADOPTION PROCESS

Adoptions occur in several situations:

- An adoption agency or DCF will approve a family for adoption and then place a child with them.
- A person is caring for a child who was not born to him or her and then decides to adopt the child.
- A legal parent of a child is raising the child with another person who wishes to adopt the child.
- An adoption may be necessary where people have had children through assisted reproductive technology and need to establish legal parentage; for example, a single person will adopt her own child in order to establish parentage and terminate any parental rights a sperm donor may have.

Massachusetts is an “agency” state. This means that either DCF or a licensed adoption agency must do a home-study investigation and approve the adoption unless the court has waived the need for a home study. A private adoption arranged directly between parties is *not* allowed, although adoptions by coparents or stepparents do not generally require agency involvement. In traditional adoption situations, the agency will be dealing directly with the birth parents in order to make the necessary arrangements and obtain the required consents. You can request a waiver of the home-study requirement where one of the petitioners is already the parent of the child, but the court has the ultimate authority to decide whether to do so. A request to waive the home study, or to waive any other requirements of the adoption statute, should be filed with the petition.

In order to adopt a child under the age of fourteen, one of the following situations must exist:

- The child has been placed with you by either DCF or a licensed adoption agency.
- DCF 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 a will by the deceased parent or parents as the guardian or adoptive parent. G.L. c. 210, § 2A.

- You are part of a married or 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).

A criminal record check is required of all petitioners and all other persons over the age of eighteen residing in the adoptive home. If anyone has a criminal record, it is best to reveal this and offer an explanation to the court when you file so that it does not present a problem. The courts tend not to be concerned about minor offenses, especially those that are far in the past, but an explanation offered at the outset is recommended.

Most adoptions will be filed in the Probate and Family Court of the county where the adoptive parents reside. Adoptions initiated through DCF are usually filed in the Juvenile Court of the county where the underlying care and protection case was filed. After all the necessary papers are filed, a judge will review the papers and issue any necessary orders. If everything is in order, a finalization hearing will be scheduled. The adoptive parents and the child must appear in person for the hearing at which the judge will approve the adoption. Married same-sex couples who are doing a confirmatory adoption can request an administrative allowance of the adoption, meaning that no hearing will be required. A more detailed description of each of these steps is provided below. It is important that you carefully comply with each of the requirements.

Sometimes adoptive parents and birth parents enter into an agreement for postadoption contact. This agreement is called an open adoption agreement and must be approved by the court prior to the finalization of an adoption. The type of contact is negotiated and can involve, for example, an annual exchange of photographs and information or, in some instances, some type of visitation. An open adoption agreement allows for the birth parents to continue a relationship with the child or children after the adoption is final. You should have a lawyer assist you with negotiating and drafting the agreement.

Who Can Adopt?

Anyone who has reached the age of majority (eighteen years old, 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, except where there has been a prolonged unexplained absence of the spouse, a legal separation, a prolonged separation, incapacity, or circumstances constituting an unreasonable withholding of consent; the husband and wife are not in the process of an ongoing divorce; and the granting of the petition is in the best interests of the child. G.L. c. 210, § 1.
- Unmarried same-sex couples and unmarried couples of the opposite sex may adopt. *See Adoption of Tammy*, 416 Mass. 205, 212 (1993).
- A single person may adopt his or her own child (or another child).

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, although notice to a birth father is almost always required; see "Children Born Out of Wedlock," below.

G.L. c. 210, § 2.

The written consent, known as the surrender, must be in a specific form. G.L. c. 210, § 2. This form is included as **Exhibit 14A**. 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

who is experienced in these matters before signing the surrender. In Massachusetts, 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. The birth parent should sign two original surrenders so that you can retain one original and file the other with the court.

When Is a Home Study Required?

A home study is an investigation by DCF 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’s deceased parent named you as the proposed guardian or adoptive parent in his or her will. However, it is the practice of some of the courts to require an agency, usually DCF, to agree to the child’s placement.

Practice Note

If you are involved in a stepparent or coparent adoption, you can 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 sample motions and affidavits to waive the home study, see **Exhibits 14B** (opposite-sex parents) and **14C** (same-sex parents).

If you will need a home study, you can contact DCF, which is authorized to conduct home studies for any preadoptive families. DCF gives priority in conducting home studies for those cases in which they are involved or where a court has ordered it to do a home study. It may take considerable time for DCF to complete the home study.

You can also contact a licensed adoption agency. The costs of the home study may be expensive, but some agencies may be willing to consider charging a reduced fee. 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 have not consented to the adoption, you will want to consider working with an attorney. In most situations, a petition to dispense with parental consent should be filed with the court, and the judge assigned to the case must determine whether it is in the best interest of the child not to require the consent of the lawful parents. See G.L. c. 210, § 3(a)(ii). A sample form is included as **Exhibit 14D**. To make this determination, the court will consider many factors. G.L. c. 210, § 3(c).

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 DCF or another adoption agency, you are 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 or termination of parental rights proceeding to the lawful parents as well as to an unknown or unnamed father. G.L. c. 210, § 4. A citation issued by the court may also require notice to DCF of the adoption. Personal service to the lawful parents 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 to arrange for service of the citation. Unif. Prob. Ct. Prac. Xa, 3(A).

If the address of the parent is unknown, notice is given by sending a copy of the citation by first-class mail to the last known address of the parent 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, a request for waiver of fees and costs, and a motion for payment of the costs of publication. 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 5P**, Court Order for Costs and Fees.

Notice to the parents can occur in one of two ways: either by having the parents served in hand or by mail, or by publishing a notice in a local newspaper. If you are publishing a notice in the newspaper, make sure the newspaper sends you a copy of each notice. You will need to complete the return of service (which the court sends to you with the citation). This is where you verify that you have served and/or published the notice as ordered by the court. The return of service should be sent to the court along with the copies from the newspaper and proof of personal service if that was required. See **Exhibit 14E**.

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 DCF. G.L. c. 210, § 4A. In order to see if a parental responsibility claim has been filed, contact DCF and give them the name of the child, his or her place of birth, and his or her date of birth. You can contact DCF at

Department of Children and Families
Parental Registration Division
600 Washington Street
Boston, MA 02211
Fax: (617) 261-7428
Tel.: (617) 748-2000

If there is a parental responsibility claim, DCF 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 agree to sign a surrender.

If there is no parental responsibility claim, DCF 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 personal service or by publication. See “What Happens if the Lawful Parents Have Not Consented to the Adoption,” above.

After notice has been given, one of the birth parents may indicate to the court that he or she objects to the child’s adoption. It will be up to the court to determine if it is in 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 DCF. G.L. c. 210, § 4. You may satisfy this obligation by sending a copy of the adoption petition to DCF.

The lawful mother is either the birth mother or the 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 and the child was born during the marriage or within 300 days after the marriage ended;
- a man whose paternity has been established by a court or who has signed a voluntary acknowledgment of parentage; 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.

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

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

Practice Note

While the statute does not specifically require the consent of the father of a child born out of wedlock, who is not named on the birth certificate and who has not been adjudicated to be a legal parent, some fathers may have the right to receive notice that someone wants to adopt their child. It is the practice of the Probate and Family Courts to issue a citation to give notice, by in-hand service and/or by publication in a local newspaper, to identified, putative (presumed), or unknown birth fathers. The court will want to ensure that the father has notice of the adoption and either obtain his consent or determine that his consent is not required. This is important for you because lack of notice may result in a challenge to the adoption even after finalization.

What Happens if There Is No Other Lawful Parent?

There are other situations where there is no other lawful parent. For example, a lesbian couple may have conceived through artificial insemination using donor sperm from a sperm bank. The other lawful parent may be deceased. In such situations, you should file a motion to waive notice, and you will need to provide documentation of the situation (e.g., an affidavit from a medical facility that performed the insemination, proof of the purchase of donor sperm, or a certified copy of the other lawful parent's death certificate). See **Exhibit 14F**.

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

The documents discussed below are required in most adoption cases. Additional documents may be required depending on the circumstances of your case. Be sure to use a black pen when signing all paperwork. There is no filing fee for an adoption, though there may be fees associated with service and publication of a citation. Many of these forms are available at the court.

Practice Note

On all of these forms, remember that *you are the petitioner*, i.e., the person who wants to adopt the child. Remember to make copies of everything you file with the court.

Petition for Adoption

If there is more than one child, you will need to fill out separate petitions for each child. A copy of this form is included as **Exhibit 14G** and is available at <http://www.mass.gov/courts/forms/adoption-name-change-forms-gen.html>.

- In Section (1), fill in your name, address, and telephone number.
- In Section (2), fill in the child's name and date and place of birth.
- In Section (3), provide the names and addresses of the child's biological or prior adoptive parents.
- In Section (4), check the first box if the child has resided with you for at least six months, unless you are requesting a waiver. If the court has dispensed with the consent of either or both parents, check that box; if either parent has signed a surrender, check that box and fill in the age of the parent. Check the box indicating that you wish to adopt the child.
- If you wish to change the child's name, check that box and fill in the name you wish the child to have after the adoption. If you are seeking a waiver of the six-month residency requirement, check that box and give a reason for the waiver.
- Sign and date the petition.
- If the child to be adopted is over the age of twelve, he or she needs to sign page 2 of the petition in front of a notary and two witnesses.

Affidavit of Petitioner for Adoption

This affidavit must be completed by the person or people seeking to adopt, listing your names, addresses, phone numbers, date and place of birth, and occupations. The signatures must be notarized. This document provides the information necessary to amend the child's birth certificate once the adoption has been finalized. A copy of this form is included as **Exhibit 14H** and is available online at <http://www.mass.gov/courts/forms/adoption-name-change-forms-gen.html>.

Affidavit Disclosing Care or Custody Proceedings

This form reveals any other legal proceedings involving the child or children you are seeking to adopt and the names of any other persons involved (such as the parents). 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 14I** and is available at <http://www.mass.gov/courts/docs/forms/juv/ocaj-aff-care-custody.pdf>.

Judgments from Other Legal Proceedings

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.

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. If you have had a legal change of name in the past, a certified copy of that judgment should be included.

CARI Record Check (CP2)

Each petitioner (as well as anyone else over the age of eighteen residing in the petitioners' home) must have a criminal record check. A sample of the form used to initiate the criminal record check is included as **Exhibit 14J**, but you should get this form from the court because different courts may use different forms.

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. A sample of this form is included as **Exhibit 14K**. You should mail or fax the form to DCF according to its instructions. A waiver of this requirement can be sought in the context of a stepparent or coparent adoption (see **Exhibits 14B** and **14C**).

Affidavit from DCF 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.

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 Records at 150 Mt. Vernon Street, 1st Floor, Dorchester, MA 02125, tel. (617) 740-2600 (or from the Department of Vital Records in the state where the child was born).

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.

Surrender Forms

If either of the lawful parents signed a surrender, the original of the surrender should be filed with the petition.

Marriage Certificate

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

Home Study

The home study is the report prepared by DCF or a licensed agency approving the adoption (required unless waived by the court).

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 need financial assistance and need to serve the parents either in hand or by publication. A copy of the affidavit of indigency is included as **Exhibit 2A**.

Practice Note

Make sure you have filed all of the necessary papers at the same time in order to avoid delays. If you do not hear from the court within a few weeks, contact the court directly to find out what is going on. It may take a while for DCF to complete the home study, and it can often take a while for the judge to review the paperwork.

Motions

If you are seeking to waive the home study, the six-month residency requirement, or notice, you will need to submit motions to waive accompanied by affidavits and supporting documentation when you file the petition. See **Exhibits 14C, 14L, and 14M**, respectively.

WHAT HAPPENS NEXT?

After you file all the necessary papers in the Probate and Family Court, here is what will happen:

- In some counties, you will be told which judge has been assigned to your case and be given the docket number. It is usually necessary to call the court directly for this information. Contact information for each of the Probate and Family Courts is listed in chapter 20, Resources. Be sure to retain this information for future reference.
- If required, you will receive a citation (see the sample included as **Exhibit 14E**) to notify any parents who have not signed a surrender. The citation will contain instructions as to what form of notice you must give.
- 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 and, if you do not have a home study, may order DCF to do the home study investigation. 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, the fitness of the birth parents, and the ability of the person who wants to adopt the child. As part of his or her investigation, the GAL or probation officer may talk to the child's pediatrician, teachers, or others who have been involved in the child's life. If there are particular people whom you would like to be interviewed, you should give the GAL or probation officer those people's names and phone numbers. The costs of the GAL will be paid by either the prospective adoptive parents or by the court.
- 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 motions should be granted.
- Once all requirements have been met (or waived), the court will schedule a finalization hearing. Note that, for married same-sex couples filing a "confirmatory" adoption, you can request an administrative allowance of the hearing. See **Exhibit 14N**.

The prospective adoptive parents and the child must attend the finalization hearing. The hearing takes place in the judge's office or chambers or in a closed courtroom. These hearings are fairly informal and you can bring friends and family members if you wish. At the hearing, the judge will approve the adoption and sign the adoption decree.

After the adoption is finalized, you will receive certified documentation of the adoption from the court. A form called the certification of adoption will be completed by the court, signed by you, certified by the court, and forwarded to the Registry of Vital Records in the state where the child was born. The registry will amend the child's birth certificate to show that you are the child's legal parents. You can request certified copies of the new birth certificate from the registry (or the clerk of the town or city where the child was born). There is usually a small fee for these copies. 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.

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.

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 or go to <https://www.irs.gov/forms-pubs/about-form-8839>. In addition, many employers offer assistance with the costs of adoption. Check with the personnel office of your employer to see about this option.

MCLE and the author thank Lynn A. Girton, Esq., for her contributions to previous versions of this chapter.

EXHIBIT 14A—Surrender Form

Commonwealth of Massachusetts

The Trial Court

_____ Division Probate and Family Court Department Docket No. _____

Adoption Surrender

M.G.L. c. 210, § 2

I, _____, as the _____ of _____, age _____, of the _____ sex, born in _____, _____ County, _____, on _____, do hereby voluntarily and unconditionally surrender said _____ to the care and custody of _____ for the purpose of adoption or such other disposition as may be made by a court of competent jurisdiction. I waive notice of any legal proceeding affecting the custody, guardianship, adoption or other disposition of said _____.

I UNDERSTAND THAT THIS SURRENDER IS FINAL AND CANNOT BE REVOKED.

Signed: _____

of _____

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

Date: _____

Notary Public

State of: _____

Commission Expires: _____

County of: _____

[SEAL]

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

Signature of 1st witness

Signature of 2nd witness

Print name of 1st witness

Print name of 2nd witness

Street address of 1st witness

Street address of 2nd witness

City/town, state and ZIP code of 1st witness.

City/town, state and ZIP code of 2nd witness.

EXHIBIT 14B—Motion to Waive Home Study and Affidavit (Opposite-Sex Couples)

COMMONWEALTH OF MASSACHUSETTS

_____, s.

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 Children and Families (“DCF”), 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____. [Birth father] has signed a consent to the adoption.
3. [Child’s birth father] last visited with [child] in September of _____.
4. In November of _____, [mother] married her current husband, _____.
5. Since that time, [stepfather] and [child] have formed a strong and loving bond.
6. [Stepfather] has contributed financially to the support of the child.
7. [Stepfather] is very involved in [child]’s life. He helps him with his homework, goes to sporting events, and sometimes takes [child] to work with him.
8. [Child] calls [stepfather] “Dad.”
9. G.L. c. 210, § 5A provides that the Court may waive the requirement that DCF conduct a study “in the case of a petition for the adoption of a child of one of the parties petitioning for said adoption.”

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

Date:

Name/Address/Phone number

COMMONWEALTH OF MASSACHUSETTS

_____, s.

Probate and Family Court Dept.

Docket No.

In Re: Adoption of _____

AFFIDAVIT IN SUPPORT OF MOTION TO WAIVE HOME STUDY

We, _____ and _____, being duly sworn, do hereby depose and say that:

1. _____ is the biological mother of [child], who was born on [date].
2. The child's birth father is _____ to whom [child's mother] was married. We were divorced on _____ of 20__.
3. [Birth father] has signed a consent to the adoption.
3. [Birth father] last visited with [child] in September of _____.
4. We were married on _____.
5. Since that time, [stepfather] and [child] have formed a strong and loving bond.
6. [Stepfather] has contributed financially to the support of the child.
7. [Stepfather] is very involved in [child]'s life. I help him with his homework, go to sporting events, and sometimes take [child] to work with me.
8. [Child] calls [stepfather] "Dad."
9. [Stepfather] is devoted to the child and wishes to legally adopt him. [Child] also wants [stepfather] to be his legal father.
10. Together with [child], we are a family and this adoption will give us the security [child] deserves.

Signed under the penalties of perjury,

Date:

(signature)

(signature)

EXHIBIT 14C—Motion to Waive Home Study and Affidavit (Same-Sex Couples)

COMMONWEALTH OF MASSACHUSETTS

_____, s.

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 Children and Families (“DCF”), 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. _____, date of birth _____, is the biological child of _____, one of the petitioners.
2. The petitioners have been together in a committed relationship for _____ years. They were married in _____ on _____.
3. _____ was conceived as a result of alternative insemination (AI). The anonymous donor sperm used in the procedure was obtained from California Cryobank and was delivered directly to the Alternative Insemination Center of Greater Boston, where the procedure took place.
4. The petitioners planned together to have a child. Both of the petitioners were involved in the decision that _____ would conceive using AI, and both were present for _____’s conception, _____’s medical appointments during her pregnancy and _____’s birth.
5. The petitioners were married both at the time of the AI procedure and the time of _____’s birth. Because _____ was born into the petitioners’ marriage, both of the petitioners are presumed to be her legal parents under Massachusetts law.
6. Although, under Massachusetts law, both petitioners are presumed to be _____’s legal parents because she was born into their marriage, an adoption is necessary to secure _____’s parental relationship to _____ outside of the Commonwealth.
7. _____ has bonded with both of the petitioners; they are the only parents she has ever known.
8. Where the petitioner is a blood relative of the child sought to be adopted, there is no need for DCF approval of the adoption petition. _____, as the biological mother of _____, is her blood relative.
9. The purpose of a home study by DCF or another suitable agency is to ascertain the appropriateness of an adoptive home. General Laws chapter 210, section 5A, presumes that where a child lives with her biological parent and the parent’s spouse, such an inquiry is unnecessary and the “home study” requirement may therefore be waived by the Court.
10. Because _____ is the biological child of one of the petitioners, was planned for and desired by both of the petitioners, was born into their marriage, is legally the child of both parties, has lived with both petitioners since birth, and because the petitioners have jointly shared all responsibilities for _____ since her birth, there is no need for a home study and resultant report from DCF or another social service agency.

WHEREFORE, the petitioners request that the Court waive the requirement that DCF be notified of the within petition or that DCF or any other social service agency make an inquiry and submit a report to the Court.

Date:

Name/Address/Phone number

COMMONWEALTH OF MASSACHUSETTS

_____, s.

Probate and Family Court Dept.
Docket No.

In Re: Adoption of _____

AFFIDAVIT IN SUPPORT OF MOTION TO WAIVE HOME STUDY

We, _____ and _____, being duly sworn, do hereby depose and say that:

1. _____ is the biological mother of [child], who was born on [date].
2. We have been in a relationship for _____ years and were married on _____.
3. We jointly decided to have a child and both of us were involved in the decision to use donor sperm.
4. _____ is bonded to both of us and we are the only parents she has known.
7. Although we are both on _____'s birth certificate, we want to do an adoption to ensure that both of our relationships to _____ are legally recognized in other jurisdictions.
8. [Child] calls both of us "Mommy."
9. _____ works as a _____ and has done so for _____ years.
10. _____ works as a _____ and has done so for _____ years.
11. We share all the decision-making concerning our child and also share financial responsibilities.
12. Our friends and family members support our relationships to one another and to our child.
13. Together with [child], we are a family and this adoption will give us the security [child] deserves.

Signed under the penalties of perjury,

Date:

(signature)_____
(signature)

EXHIBIT 14D—Petition to Dispense with Parental Consent

Commonwealth of Massachusetts
The Trial Court
Probate and Family Court Department

Division _____ Docket No. _____

Petition to Dispense with Parental Consent
G.L. c. 210, § 3

In the Matter of _____
(name of child)

To the Justices of the Probate and Family Court:
RESPECTFULLY represents _____
(the agency's name and address)

by _____ that:
(the agency's representative and his/her title)

1. Petitioner has had care of _____ born on _____
(name of child)
_____ at _____ by means of _____
(date of birth) (place of birth)
(Explain: i.e., voluntary custody; surrender; court order)

and has had legal custody of the child since _____
(date)

by the Order/Decree of _____
(name of court and docket number, if any)

2. The parents of the child are:

_____	_____
(name of mother)	(name of father, legal)
_____	_____
(street address)	(street address)
_____	_____
(city or town) (state) (zip code)	(city or town) (state) (zip code)

Or, if applicable

(name of alleged biological (putative) father)

(street address, city or town, state, zip code)

3. (a) That the mother of said child executed a valid Adoption Surrender on _____ (date)
pursuant to the provisions of G.L. c. 210, § 2 and is not a party to this action. The mother at the time of
surrender was _____ years of age.

(b) That the father (legal) of said child executed a valid Adoption Surrender on _____ (date)
pursuant to the provisions of G.L. c. 210, § 2 and is not a party to this action. The father (legal) at the
time of surrender was _____ years of age.

(c) That the father (putative) of said child executed a valid Adoption Surrender on _____ (date)
pursuant to the provisions of G.L. c. 210, § 2 and is not a party to this action. The father (putative) at
the time of surrender was _____ years of age.

4. That the mother / father of said child is/are not under a disability, to wit, _____.

5. That the mother / father of said child lack the current ability, capacity, fitness and readiness to assume
parental responsibility for said child.

6. That the petitioner's plan for adoption of the child will serve the child's best interests.

WHEREFORE YOUR PETITIONER PRAYS that this Honorable Court enter a decree under the provisions of
the General Laws of Massachusetts, Chapter 210, Section 3, that shall have the effect of terminating the rights
of the person(s) named herein and any unknown or unnamed father to receive notice of or to consent to any
legal proceeding affecting the custody, guardianship, adoption, or other disposition of the child named herein.

Date _____

_____ (authorized signature of agency's representative)

For Petitioner:

(name)_____
(street address)_____
(city/town, state, zip code)

Tel. No. _____

B.B.O. # _____

For Respondent – Mother:

(name)_____
(street address)_____
(city/town, state, zip code)

Tel. No. _____

B.B.O. # _____

For Respondent – Father:

(name)_____
(street address)_____
(city/town, state, zip code)

Tel. No. _____

B.B.O. # _____

For Child:

(name)_____
(street address)_____
(city/town, state, zip code)

Tel. No. _____

B.B.O. # _____

PETITION – DECREE

Filed _____
(date)Citation issued _____
(date)Returnable _____
(date)Allowed _____
(date)

Instructions

1. Refer to G.L. c. 210, *et seq.*
2. An Affidavit Disclosing Care and Custody Proceedings must be filed. Refer to Trial Court Rule IV.
3. A copy of the child's birth certificate must be filed with this petition.

TurboLaw – (800) 518-8726

EXHIBIT 14E—Citation and Return of Service

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 _____, minor
(child's name)

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)

Return of Service
M.G.L. c. 210, § 6

On the petition of _____
(petitioner(s) name and town)

regarding notice to the parent(s) — guardian(s) as required by M.G.L. c. 210, § 4:

I, _____,
(attorney for the petitioner)

hereby certify under the penalties of perjury that:

◆ ◆ ◆ ◆ ◆ ◆ ◆

☐ I/We have complied with the order of notice by serving in hand a copy of the citation to

(name)

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

— and _____
(name)

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

◆ ◆ ◆ ◆ ◆ ◆ ◆

☐ I/We have complied with the order of notice by mailing a copy of the citation to

(name)

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

— and _____
(name)

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

◆ ◆ ◆ ◆ ◆ ◆ ◆

☐ I/We have complied with the order of notice by causing the citation to be published in the _____, which is published
(name of newspaper)

in or near the city or town — of the parent(s) last known address. — of the child's birth — or in the county where the petition was filed. Publication was on _____, _____, and
(date) (date) (date)

_____ which was at least seven days before said return date.
(date)

◆ ◆ ◆ ◆ ◆ ◆ ◆

☐ I/We have complied with the order of the notice by mailing a copy of the citation to the Department of Social Services.

◆ ◆ ◆ ◆ ◆ ◆ ◆

Date _____ Signed: _____

EXHIBIT 14F—Motion to Waive Notice and Affidavit (Married Same-Sex Couples)

COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
PROBATE AND FAMILY COURT DEPARTMENT

____ DIVISION

DOCKET NO. _____

IN RE ADOPTION OF _____

MOTION TO WAIVE NOTICE REQUIREMENTS

Petitioners _____ (hereinafter “_____” or “petitioner” or collectively as “the petitioners”) and _____ (hereinafter “_____” or “petitioner” or collectively as “the petitioners”) in the above-captioned matter move the Court to waive the provisions of G.L. c. 210, § 4, requiring that notice either by personal service or by publication be made upon all persons whose consent is required prior to the issuance of an adoption decree. In support thereof, the petitioners submit an affidavit and further state that:

1. _____ (hereinafter “_____”), date of birth _____, is the biological child of _____, one of the petitioners. See Affidavit in Support of Motion to Waive Notice Requirements, attached hereto and incorporated herein as Exhibit A.
2. The petitioners are married, and the decision to have a child was a mutual decision.
3. _____ was conceived through artificial insemination (AI) using donor sperm and born into the petitioners’ marriage. See Exhibit A.
4. _____ consented to _____’s efforts at conception through assisted reproduction. See Exhibit A.
5. Petitioners are the sole legal parents of _____. G.L. c. 46, § 4B; *Adoption of a Minor*, 471 Mass. 373, 376-377 (2015).
6. A sperm donor who donates to a married couple is not a lawful parent entitled to notice. G.L. c. 210, §§ 2, 4; *Adoption of a Minor*, 471 Mass. at 380.
7. As _____’s sole legal parents, petitioners are the only people who must consent to her adoption. G.L. c. 210, § 2; *Adoption of a Minor*, 471 Mass. at 374-375.
8. Because they have consented to her adoption, no other consents or notices are required. G.L. c. 210, §§ 2, 4; *Adoption of a Minor*, 471 Mass. at 374-375.

WHEREFORE, the petitioners request that the Court waive the notice requirements of G.L. c. 210, § 4.

Dated: _____

_____, Petitioners
Name/address/phone number

**COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
PROBATE AND FAMILY COURT DEPARTMENT**

____ DIVISION

DOCKET NO.

IN RE ADOPTION OF

AFFIDAVIT OF PETITIONERS IN SUPPORT OF MOTION TO WAIVE NOTICE

The petitioners in the above-captioned matter, ____ (hereinafter “____”) and ____ (hereinafter “____”) being duly sworn, hereby depose and say that:

1. We married in ____, Massachusetts on _____. See Certificate of Marriage, attached hereto as Exhibit A.
2. ____ is the birth and genetic mother of ____ (hereinafter “____”), the subject child of this Petition for Adoption, date of birth March 4, 2015.
3. ____ was born into our marriage, and we are both on ____’s birth certificate.
4. ____ was conceived through intrauterine insemination (IUI) using donor sperm. ____ expressly consented to the use of donor sperm and to the intrauterine insemination (IUI) used to conceive ____.
5. Donor sperm was obtained from California Cryobank and delivered directly to ____ for use in the artificial insemination (AI) procedures. The insemination took place on ____.
6. During the possible period of conception, ____ neither had sexual intercourse with any man, nor used sperm from any other donor.

Signed under the penalties of perjury,

Petitioner (1) Name
DATE:

Petitioner (2) Name
DATE:

EXHIBIT 14G—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)

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)

Tel. No. () _____

B.B.O. # _____

PETITION — DECREE

Filed _____ 19 _____

Citation issued _____ 19 _____

Returnable _____ 19 _____

Allowed _____ 19 _____

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.

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

PROBATE COURT
NO.

SURRENDER FORM

Filed 19 .

EXHIBIT 14H—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 14I—Affidavit Disclosing Care or Custody Proceedings

AFFIDAVIT DISCLOSING CARE OR CUSTODY PROCEEDINGS Pursuant to Trial Court Rule IV		TRIAL COURT OF MASSACHUSETTS		DOCKET NUMBER																					
		Name of Case _____ v. _____																							
BMC Division _____	District Court Division _____	Juvenile Court Division _____	Prob & Family Court Division _____	Superior Court Division _____																					
Section 1 I, _____ (Name of Party) hereby declare, to the best of my knowledge, information, and belief that all the information on this form is true and complete:																									
Section 2 The name(s) of the child(ren) whose care or custody is at issue in this case are: A. _____ B. _____ C. _____ (LAST, FIRST) (LAST, FIRST) (LAST, FIRST) Use only the letter appearing in front of the child's name above when referring to that child when completing the remaining sections.																									
Section 3 The party filing this affidavit may request certain addresses to be kept confidential if the address is a shelter for battered persons and their dependent child(ren), or the party filing this affidavit believes that he/she or the child(ren) are in danger of physical or emotional abuse, or the party is filing an action under G.L.c. 209A. If you believe that this provision applies to you, check box at right, complete sections 10 and 11 on the reverse side of this page and DO NOT complete sections 4 and 5 below.																									
Section 4 The address(es) of the above-named child(ren) whose care and custody is at issue in this case is/are: Address(es): _____ Address _____ CHILD A. _____ CHILD B. _____ CHILD C. _____																									
Section 5 My address is: _____																									
Section 6 I <input type="checkbox"/> have <input type="checkbox"/> have not participated in and I <input type="checkbox"/> know <input type="checkbox"/> do not know of other care or custody proceedings involving the above-named child(ren) in Massachusetts or in any other state or country.																									
Certified copies of any pleadings or determinations in a care or custody proceeding outside of Massachusetts listed in sections 7 and 8 must be filed with this affidavit unless already filed with this court or an extension for filing these documents has been granted by this court.																									
Section 7 The following is a list of all pending or concluded proceedings I have participated in or know of involving the care or custody of the above-named child(ren): <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Letter of Child</th> <th style="text-align: left;">Court</th> <th style="text-align: left;">Docket No.</th> <th style="text-align: left;">Status</th> <th style="text-align: right;">[W]itness [P]arty [O]ther [N]one</th> </tr> </thead> <tbody> <tr> <td>CHILD _____</td> <td>_____</td> <td>_____</td> <td>_____</td> <td style="text-align: right;">[]</td> </tr> <tr> <td>CHILD _____</td> <td>_____</td> <td>_____</td> <td>_____</td> <td style="text-align: right;">[]</td> </tr> <tr> <td>CHILD _____</td> <td>_____</td> <td>_____</td> <td>_____</td> <td style="text-align: right;">[]</td> </tr> </tbody> </table>						Letter of Child	Court	Docket No.	Status	[W]itness [P]arty [O]ther [N]one	CHILD _____	_____	_____	_____	[]	CHILD _____	_____	_____	_____	[]	CHILD _____	_____	_____	_____	[]
Letter of Child	Court	Docket No.	Status	[W]itness [P]arty [O]ther [N]one																					
CHILD _____	_____	_____	_____	[]																					
CHILD _____	_____	_____	_____	[]																					
CHILD _____	_____	_____	_____	[]																					
Section 8 The names and addresses of parties to care or custody proceedings involving any of the above-named child(ren) or those claiming a legal right to this these child(ren) during the last two years (not including myself) are: <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Letter of Child</th> <th style="text-align: left;">Name of Party/Claimant</th> <th style="text-align: left;">Current (or last known) Address of Party/Claimant</th> </tr> </thead> <tbody> <tr> <td>CHILD _____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>CHILD _____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>CHILD _____</td> <td>_____</td> <td>_____</td> </tr> </tbody> </table>						Letter of Child	Name of Party/Claimant	Current (or last known) Address of Party/Claimant	CHILD _____	_____	_____	CHILD _____	_____	_____	CHILD _____	_____	_____								
Letter of Child	Name of Party/Claimant	Current (or last known) Address of Party/Claimant																							
CHILD _____	_____	_____																							
CHILD _____	_____	_____																							
CHILD _____	_____	_____																							
Section 9 If the box at the right is checked, this affidavit discloses the adoption of one or more of the above-named child(ren) and I am requesting the court to impound this affidavit. See instructions.																									
This affidavit must be personally signed by the party listed in section 1 above, unless he/she is under 18 years of age or has been adjudged incompetent, in which case the attorney of record must sign. A revised affidavit must be filed with the court if new information is discovered subsequent to this filing. Signed this _____ day of _____, 20____ under the penalties of perjury. X _____ <small>SIGNATURE OF PARTY OR ATTORNEY OF RECORD FOR JUVENILE/INCOMPETENT</small> <small>PRINTED NAME OF PERSON SIGNING</small> <small>ADDRESS OF ATTORNEY OF RECORD FOR INCOMPETENT/JUVENILE</small>																									
THE PARTY FILING THIS AFFIDAVIT MUST FURNISH A COPY OF IT TO ALL OTHER PARTIES TO THIS ACTION.																									

EXHIBIT 14J—Request for Record Information (CARI Search)

**Commonwealth of Massachusetts
Suffolk County Probate and Family Court**

Request for Record Information

(Please note: Information required on this form is about the petitioner - not the child)
(ONE RECORD REQUEST PER PETITIONER)

COURT DOCKET NUMBER: _____ DATE REQUESTED: _____

PETITIONER'S
NAME: _____

ADDRESS: _____

_____ (CITY/TOWN) _____ (STATE) _____ (ZIP)

DATE OF BIRTH:		
MONTH:	DAY:	YEAR:
_____	_____	_____

PLACE OF BIRTH: Eatontown, New Jersey	SEX: F	HEIGHT: _____	WEIGHT: _____	RACE: _____
--	-----------	------------------	------------------	----------------

FATHER'S NAME: _____

MOTHER'S NAME: _____

PETITIONER'S SOCIAL SECURITY NUMBER: _____

MAIDEN or PREVIOUS NAME or ALIAS: _____

REASON FOR INQUIRY REQUEST (Please check one) ☐ Guardianship ☐ Change of Name ☒ Adoption

DATE: _____ (SIGNATURE)

----- DO NOT WRITE BELOW THIS SPACE FOR OFFICE USE ONLY -----

PCF# _____

Remarks: _____

☐ RECORD ☐ COMP. BY PHONE ☐ PHOTOCOPY ☐ SEALED ☐ NO RECORD ☐ NO ADDITIONAL RECORD

(Date Processed)

(Authorized Signature)

TurboLaw (800) 518-8726 pcpcf - c.g.f.

EXHIBIT 14K—Central Register Search

Massachusetts Department of Children and Families
FEDERAL & CENTRAL REGISTERS OF MISSING CHILDREN SEARCH REQUEST

STEP ONE: Read Instructions

Massachusetts General Law, chapter 210, section 5A requires that "in any petition for adoption the department shall submit to the court verification that the adoptee is not registered with the federal register for missing children and the central register". (*The central register is maintained by the Criminal Justice Agency and lists missing children in Massachusetts.*)

A DCF social worker should complete this form when:

1. there is suspicion that a child is missing;
2. termination of parental rights is going to be requested;
3. completing a DCF report for non-agency sponsored adoptions;
4. preparing adoption petition for filing.

The Criminal History Systems Board will make a search of the federal and central register of Missing Children. If a child is not listed, and the Department will certify the form and return it to the requestor. The form should then be retained for inclusion in the adoption filing. If a child is registered on either list, the requesting social worker will be notified immediately by fax and phone.

STEP TWO: Fill in Information

TODAY'S DATE:

CHILD'S NAME:

ALTERNATIVE NAME(s):

DATE OF BIRTH:

SOC. SEC. # (if available):

REQUESTOR'S NAME:

RELATIONSHIP (If represented by counsel, write attorney's name and address):

Parents: Joyce Kauffman, 231 Third Street, Cambridge, Massachusetts 02142

DCF OFFICE:

PETITIONERS PHONE:

PETITIONERS ADDRESS:

PROBATE & FAMILY COURT: Division (full address):

STEP THREE: Send Form

MAIL or FAX THIS COMPLETED FORM TO (do not duplicate by doing both - THANK YOU):

*Permanency Planning Technician
Department of Children and Families
600 Washington St. 6th Fl.
Boston, MA 02111* FAX: 617.748.2156

FOR OFFICIAL USE ONLY

I hereby certify under the pains and penalties of perjury, that the above adoptee is not registered with the Federal Register for Missing Children and the Central Register, as verified by the Criminal History Systems Board.

OAS: 301

DCF cases

Rev. 07/08

EXHIBIT 14L—Motion to Waive Six-Month Residency Requirement (Same-Sex Couples)

COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
PROBATE AND FAMILY COURT DEPARTMENT

____ DIVISION

DOCKET NO. _____

IN RE ADOPTION OF _____

MOTION TO WAIVE SIX-MONTH RESIDENCY REQUIREMENT

Petitioners _____ (hereinafter “_____” or “petitioner” or collectively as “the petitioners”) and _____ (hereinafter “_____” or “petitioner” or collectively as “the petitioners”) in the above-captioned matter move the Court to waive the provisions of G. L. c. 210, §5A, requiring that the child in an adoption petition have resided for not less than six (6) months in the home of the parties petitioning for said adoption. In support thereof, the petitioners state the following:

1. _____ (hereinafter “_____”), date of birth _____, is the biological child of _____.
2. The petitioners are a married couple who planned together for _____, and they both consented to and participated in causing his conception.
3. _____ was born into the marriage. As a result, both of the petitioners are _____’s legal parents under Massachusetts law.
4. Although both _____ and _____ are _____’s legal parents pursuant to Massachusetts law, many jurisdictions, domestic and international, may choose not to recognize and respect _____’s parentage of _____. Legal recognition of a marriage by another state does not automatically provide same-sex couples with the legal presumption that a child born into the marriage is the legal child of both parties and, even if the presumption exists, the presumption does not fully secure parentage.
5. Adoption is necessary to provide universal and unassailable security to _____’s parental relationship to _____.
6. General Laws chapter 210, section 5A, provides that no decree of adoption “shall be made upon . . . a petition until . . . the child shall have resided for not less than six months in the home of the petitioner.” The Court may waive the six-month residency requirement for “good cause.”
7. The Court has discretion to waive the six-month residency requirement in the case of a petition for the adoption of one of the petitioner’s children.
8. The petitioners are married and planned for the child who was born into their marriage.

WHEREFORE, the petitioners request that the Court waive the six-month residency requirement and allow the adoption to go forward at the earliest possible time.

Dated: _____

_____, Petitioners
NAME/ADDRESS/PHONE NUMBER

EXHIBIT 14M—Motion to Waive Notice and Affidavit (Married Same-Sex Couples)

COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
PROBATE AND FAMILY COURT DEPARTMENT

____ DIVISION

DOCKET NO.

IN RE ADOPTION OF

MOTION TO WAIVE NOTICE REQUIREMENTS

Petitioners ____ (hereinafter “____” or “petitioner” or collectively as “the petitioners”) and ____ (hereinafter “____” or “petitioner” or collectively as “the petitioners”) in the above-captioned matter move the Court to waive the provisions of G. L. c. 210, §4, requiring that notice either by personal service or by publication be made upon all persons whose consent is required prior to the issuance of an adoption decree. In support thereof, the petitioners submit an affidavit and further state that:

1. ____ (hereinafter “____”), date of birth ____, is the biological child of ____, one of the petitioners. See Affidavit in Support of Motion to Waive Notice Requirements, attached hereto and incorporated herein as Exhibit A.
2. The petitioners are married, and the decision to have a child was a mutual decision.
3. ____ was conceived through artificial insemination (AI) using donor sperm and born into the petitioners’ marriage. See Exhibit A.
4. ____ consented to ____’s efforts at conception through assisted reproduction. See Exhibit A.
5. Petitioners are the sole legal parents of _____. G. L. c. 46, §4B; Adoption of a Minor, 471 Mass. 373, 376-377 (2015).
6. A sperm donor who donates to a married couple is not a lawful parent entitled to notice. G. L. c. 210 §§ 2, 4; Adoption of a Minor, 471 Mass. at 380.
7. As ____’s sole legal parents, petitioners are the only people who must consent to her adoption. G. L. c. 210 § 2; Adoption of a Minor, 471 Mass. at 374-375.
8. Because they have consented to her adoption, no other consents or notices are required. G. L. c. 210 §§ 2, 4; Adoption of a Minor, 471 Mass. at 374-375.

WHEREFORE, the petitioners request that the Court waive the notice requirements of

G. L. c. 210, §4.

Dated: ____

____, Petitioners
Name/Address/Phone Number

**COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
PROBATE AND FAMILY COURT DEPARTMENT**

____ DIVISION

DOCKET NO.

IN RE ADOPTION OF

AFFIDAVIT OF PETITIONERS IN SUPPORT OF MOTION TO WAIVE NOTICE

The petitioners in the above-captioned matter, ____ (hereinafter “____”) and ____ (hereinafter “____”) being duly sworn, hereby depose and say that:

1. We married in ____, Massachusetts on _____. See Certificate of Marriage, attached hereto as Exhibit A.
2. ____ is the birth and genetic mother of ____ (hereinafter “____”), the subject child of this Petition for Adoption, date of birth March 4, 2015.
3. ____ was born into our marriage, and we are both on ____’s birth certificate.
4. ____ was conceived through intrauterine insemination (IUI) using donor sperm. ____ expressly consented to the use of donor sperm and to the intrauterine insemination (IUI) used to conceive ____.
5. Donor sperm was obtained from California Cryobank and delivered directly to ____ for use in the artificial insemination (AI) procedures. The insemination took place on _____.
6. During the possible period of conception, ____ neither had sexual intercourse with any man, nor used sperm from any other donor.

Signed under the penalties of perjury,

Petitioner (1) Name
DATE:

Petitioner (2) Name
DATE:

EXHIBIT 14N—Request for Administrative Allowance and Affidavit

COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
PROBATE AND FAMILY COURT DEPARTMENT

_____ DIVISION

DOCKET NO. _____

IN RE ADOPTION OF _____

REQUEST FOR ADMINISTRATIVE ALLOWANCE OF ADOPTION

Petitioners _____ and _____ respectfully request that the adoption of _____ be allowed administratively. In support thereof, the petitioners submit an Affidavit and further state that:

1. Petitioners are married and the child was born into the marriage. _
2. Although both petitioners are named on the child's birth certificate, an adoption is necessary in order to ensure that both petitioners are recognized as the child's parents outside of Massachusetts. See *V.L. v. E.L., et al*, 577 U.S. __ (2016).
3. Wherefore, Petitioners respectfully request that the Court allow the within adoption administratively.

DATE: _____

By the Petitioners

Name/address/phone number

**COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
PROBATE AND FAMILY COURT DEPARTMENT**

____ DIVISION

DOCKET NO. _____

IN RE ADOPTION OF _____

**AFFDAVIT IN SUPPORT OF REQUEST
FOR ADMINISTRATIVE ALLOWANCE OF ADOPTION**

We, _____ and _____, being duly sworn, do hereby depose and say that:

1. _____ is the biological mother of _____ (hereinafter “_____”), date of birth, _____.
2. We were married in Boston, Massachusetts, on _____. See Certificate of Marriage, filed with the Petition for Adoption.
3. We are both on the child’s birth certificate as a result of our marital status. See Birth Certificate, filed with the Petition for Adoption.
4. As a result of discriminatory laws in other jurisdictions, there is a danger that, despite the fact that we are legally married and recognized by the Commonwealth of Massachusetts as the legal parents of the child, that _____’s parentage in particular may not be recognized in those jurisdictions.
5. For this reason, we are filing the adoption in order to obtain a judgment that will be granted full faith and credit in all jurisdictions.

Signed under the penalties of perjury,

DATE:
