

HOUSE No. 1429

By Mr. Fleming of Worcester, petition of William D. Fleming for legislation relative to the adoption of children. Legal Affairs.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Forty-One.

AN ACT RELATIVE TO THE ADOPTION OF CHILDREN.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Section three of chapter two hundred and ten of the
2 General Laws, as appearing in the Tercentenary
3 Edition, is hereby amended by striking out, in the
4 tenth and in the eleventh lines, the words "two years"
5 and inserting in place thereof, in each instance, the
6 words:— one year,— so as to read as follows:—
7 *Section 3.* The consent of the persons named in the
8 preceding section, other than the child or her husband,
9 if any, shall not be required if the person to be adopted
10 is of full age, nor shall the consent of any such person
11 other than the child be required if such person is ad-
12 judged by the court hearing the petition to be hope-
13 lessly insane, or is imprisoned in the state prison or
14 in a house of correction in this commonwealth under
15 sentence for a term of which more than three years
16 remain unexpired at the date of the petition; or if
17 he has wilfully deserted and neglected to provide

18 proper care and maintenance for such child for one
19 year last preceding the date of the petition; or if he
20 has suffered such child to be supported for more than
21 one year continuously prior to the petition by an
22 incorporated charitable institution or by a town or
23 by the commonwealth; or if he has been sentenced to
24 imprisonment for drunkenness upon a third conviction
25 within one year and neglects to provide proper care
26 and maintenance for such child; or if such person
27 has been convicted of being a common night walker
28 or a lewd, wanton and lascivious person, and neglects
29 to provide proper care and maintenance for such child.
30 A giving up in writing of a child, for the purpose of
31 adoption, to an incorporated charitable institution
32 shall operate as a consent to any adoption subse-
33 quently approved by such institution. Notice of the
34 petition shall be given to the department of public
35 welfare, if the child is supported by a town or by the
36 commonwealth, and if the child is supported by a
37 town, notice shall also be given to the board of public
38 welfare thereof, and in Boston said notice shall be given
39 both to the overseers of the public welfare in the
40 city of Boston and to the institutions department.