

By Mr. Lawton of Brockton, petition of John E. Murphy, Jr., and Mark E. Lawton that provision be made for the appointment of a counsel and for notice to parents in adoption proceedings. The Judiciary.

**The Commonwealth of Massachusetts**

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

AN ACT PROVIDING COUNSEL FOR AND NOTICE TO PARENTS IN ADOPTION PROCEEDINGS.

*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 1. Chapter 210 of the General Laws is hereby  
2 amended by inserting after Section 3 the following section:—

3 *Section 3B.* Whenever a proceeding pursuant to section 3 is  
4 commenced, the court shall appoint counsel to be paid by the  
5 County to represent the persons named in section two, upon a  
6 determination by the court that said persons are indigent as defined  
7 in section twenty-seven A of chapter two hundred sixty-one. The  
8 court may also appoint counsel to be paid by the County to repre-  
9 sent the child identified in the petition. There shall be a hearing to  
10 determine whether counsel shall be appointed; notice shall be given  
11 in accordance with section four at least fourteen days in advance of  
12 the hearing.

1 SECTION 2. Section 3(b) of Chapter two hundred and ten of  
2 the General Laws as most recently amended by section two of  
3 Chapter 800 of the Acts of 1972 is hereby amended by striking the  
4 second sentence.

1 SECTION 3. Section four of Chapter two hundred and ten of  
2 the General Laws as most recently amended by section four of  
3 Chapter 800 of the Acts of 1972 is hereby amended by striking said  
4 section and inserting the following new section.

5 If the written consent required by Section two is not submitted to  
6 the Court with the petition, the Court shall order notice by per-  
7 sonal service of an order of notice upon the persons named in Sec-  
8 tion two. If the parties are not found within this commonwealth,  
9 the Court shall order publication of said order of notice once in  
10 each of three successive weeks in such newspaper as the Court  
11 orders, the last publication to be not less than seven days before the  
12 time appointed for the hearing and shall order said order of notice  
13 to be sent by regular and certified mail, return receipt requested, to  
14 the person's last known address.

15 The form of said notice shall be as follows:

16 COMMONWEALTH OF MASSACHUSETTS

17 ,SS PROBATE COURT  
18 NO.

19 TO: (Name of person(s) to whom notice under section two is  
20 required.)

21 This is a notice to you that (name of agency) has filed a petition  
22 in the \_\_\_\_\_ County Probate Court to dispense with your  
23 consent to the adoption of (name of child),

24 You have a right to object to the granting of this petition. YOU  
25 HAVE THE RIGHT TO BE REPRESENTED BY A LAWYER.  
26 IF YOU ARE INDIGENT AND CANNOT AFFORD A LAW-  
27 YER, THE COURT WILL APPOINT ONE FOR YOU.

28 If you want the Court to appoint a lawyer, you must come to the  
29 Court on (date) at (time). At that hearing, you must be prepared to  
30 answer questions concerning your income and your living  
31 expenses.

32 If you object to the granting of this petition, you or your attorney  
33 have until (date) to file a written appearance with the Court. If you

34 fail to file a written appearance, the Court will enter an order allow-  
35 ing (name of child) to be adopted without your consent.

36 The name and address of the Court are:

37 Witness, \_\_\_\_\_, First Judge of  
38 said Court, this \_\_\_\_\_ day of \_\_\_\_\_ 19 .

39 \_\_\_\_\_  
Register

40 But if such child is of unknown parentage and is a foundling,  
41 publication as herein set forth shall not be required; but notice of  
42 said petition shall be given to the Department of Public Welfare.  
43 Where the Court has issued a decree dispensing with the need for  
44 said consent or notice, the foregoing notice provisions shall not  
45 apply.

