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By Mr. Sisitsky, a petition (accompanied by bill, Senate, No. 728) of Alan D. Sisitsky and Raymond Jordan for legislation to clarify the rights of fathers of children born out of wedlock to adopt such children. The Judiciary.

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## The Commonwealth of Massachusetts

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

### AN ACT CLARIFYING THE RIGHTS OF FATHERS OF CHILDREN BORN OUT OF WEDLOCK TO ADOPT SUCH 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 210 of the General Laws is hereby amended by in-  
2 serting the following section: —

3 *Section 4A.* Whenever the mother of a child born out of wed-  
4 lock has surrendered the child in accordance with section two  
5 of this chapter, or whenever the right of the mother to withhold  
6 consent to adoption has been terminated in accordance with  
7 section three, notice of such surrender or termination and a  
8 right to petition for adoption shall be afforded to any person  
9 who, prior to such surrender or termination has filed a decla-  
10 ration seeking to assert the responsibilities of fatherhood, here-  
11 after referred to as "Paternal Responsibility Claim." The Pa-  
12 ternal Responsibility Claim shall be filed with the department  
13 of public welfare on a form devised by said department. The  
14 department shall provide the person filing with evidence of  
15 the filing and shall send notice of the filing to the mother by  
16 registered mail at her address as stated on the Claim or to  
17 such other address as the department determines to be cor-  
18 rect after making every reasonable effort to locate the mother.  
19 The filing constitutes an acknowledgement and admission of  
20 paternity.

21 Any person or agency receiving a child for the purpose of  
22 adoption shall require the department to search the Paternal  
23 Responsibility Claims and the department shall provide an affi-  
24 davit that there has or has not been a Paternal Responsibility

25 Claim filed with respect to such child. If said Claim has been  
26 filed, the department will, in addition, notify the person claim-  
27 ing paternity by registered mail, at the address stated on said  
28 claim, of the receipt of said child and the county in which said  
29 child is residing. A copy of the consent executed by the mother  
30 in accordance with section two of this chapter or a summary  
31 of the court order issued in accordance with section three shall  
32 be appended to said notice. A copy of the notice shall be sent  
33 to the person or agency requesting the search. The person  
34 claiming paternity shall have thirty days from the mailing of  
35 said notice by the department to file a petition for adoption  
36 or custody of such child in the probate court of the county  
37 where the child resides. If he fails to do so, he shall not be  
38 entitled to notice of any subsequent proceeding concerning  
39 custody, guardianship, or adoption of the child. The court  
40 shall consider the case as expeditiously as possible, and, with-  
41 out regard to other potential adoptive parents, shall allow the  
42 petition of the person claiming paternity if it finds that such  
43 adoption or custody is in the child's best interest and if, in the  
44 case of an adoption petition, it finds that there are reasonable  
45 grounds to believe that he is the father of the child. Any such  
46 petition shall be subject to paragraph (B) of section two A of  
47 this chapter. Any costs incurred for the temporary care of the  
48 child pending the hearing on the petition of the person claim-  
49 ing paternity shall be borne by said person.

50 No other petition for adoption shall be allowed without  
51 proof of compliance with this section.