

HOUSE No. 1690

By Mr. Graham of Boston, petition of Joseph P. Graham and another for legislation to protect wards of the state in the same religion of their parents or surviving parent. Public Welfare.

The Commonwealth of Massachusetts

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

AN ACT TO PROTECT WARDS OF THE STATE IN THE SAME RELIGION OF THEIR PARENTS OR SURVIVING PARENT.

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

1 Chapter 119 of the General Laws is amended by
2 adding the following:—

3 *Section 40A.* 1. Whenever a child is committed to
4 any agency, association, corporation, institution or
5 society, other than an institution supported and con-
6 trolled by the state or a subdivision thereof, such
7 commitment shall be made, when practicable, to an
8 authorized agency under the control of persons of the
9 same religious faith as that of the child.

10 2. Whenever any child is surrendered, released,
11 placed out, or boarded out, in a family, a home or an
12 institution, or to an authorized agency, or in the cus-
13 tody of any person other than that of a relative within
14 the second degree, such surrender, release, placement

15 or boarding out shall when practicable, be to, with or
16 in the custody of a person or persons of the same re-
17 ligious faith as that of the child or to an authorized
18 agency under the control of persons of the same re-
19 ligious faith as that of the child.

20 3. In appointing guardians of children, and in
21 granting orders of adoption of children, the court
22 shall, when practicable, appoint as such guardians,
23 and give custody through adoption, only to a person
24 or persons of the same religious faith as that of the
25 child.

26 4. The provisions of subdivision one, two and three
27 of this section shall be so interpreted as to assure that
28 in the care, protection, adoption, guardianship, dis-
29 cipline and control of any child, its religious faith
30 shall be preserved and protected.

31 5. Whenever a child is placed out or boarded out
32 in the custody, or under the supervision or control, of
33 a person or of persons of a religious faith different
34 from that of the child, or if a guardian of a child is
35 appointed whose religious faith is different from that
36 of the child, or if letters of adoption of a child are
37 granted to a person or persons whose religious faith
38 is different from that of the child or if a child is com-
39 mitted to an agency, association, corporation, society
40 or institution, which is under the control of persons of
41 a religious faith different from that of the child, the
42 court, public board, commission or official shall state
43 or recite the facts which impelled such disposition to
44 be made contrary to the religious faith of the child
45 or to any person whose religious faith is different from
46 that of the child and such statement shall be a part
47 of the minutes of the proceeding, and subject to in-
48 spection by the board or an authorized agency. This

49 subdivision shall not apply to institutions supported
50 and controlled by the state or a subdivision thereof.

51 6. The provisions of this section in relation to the
52 protection of the religious faith of children shall also
53 apply to minors between sixteen and eighteen years
54 of age.

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