

SENATE No. 65

The Commonwealth of Massachusetts

PRESENTED BY:

Karen E. Spilka

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying:

An Act regarding the reinstatement of parental rights for certain children.

PETITION OF:

NAME:

Karen E. Spilka

DISTRICT/ADDRESS:

[District]

SENATE No. 65

By Ms. Spilka, petition (accompanied by bill, Senate, No. 65) of Spilka for legislation regarding the reinstatement of parental rights for certain children [Joint Committee on Children, Families and Persons with Disabilities].

The Commonwealth of Massachusetts

An Act regarding the reinstatement of parental rights for certain 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 1. Section 3 of chapter 210 is hereby amended by inserting the
2 following after the last paragraph:

3 (e) A child who has not been adopted within two years after an order is entered
4 terminating parental rights under this chapter or chapter 119, for whom the court has determined
5 after a hearing under section 29B of chapter 119 that adoption is no longer the permanency plan,
6 and who is at least 12 years of age may petition the court to reinstate in full the parental rights of
7 one or both of the child’s former parents. The child shall sign the petition in the absence of a
8 showing of good cause as to why the child could not do so. The court shall order that an
9 evidentiary hearing be held and give notice of the hearing to the child’s former parent or parents
10 as prescribed in section 24 of chapter 119. The court shall grant the petition if it determines by a
11 preponderance of evidence that reinstatement of parental rights is in the child’s best interests.
12 The court shall specify in writing the factual basis for its determination. If the court grants the
13 petition, any prior order dispensing with the need for the parent to receive notice of or to consent
14 to the adoption, guardianship, or custody of, or other disposition regarding, that child shall be
15 deemed vacated.

16 SECTION 2. Section 1 of this act applies regardless of the whether the two
17 year requirement is met before, on, or after the effective date of this act