

April 8, 2025

The Honorable Lydia Edwards
Senate Chair, Joint Committee on the Judiciary

The Honorable Michael Day
House Chair, Joint Committee on the Judiciary

Via e-mail: Grace.Giordina@masenate.gov

Dear Chair Edwards, Chair Day, and Members of the Joint Committee on the Judiciary:

We are writing today to urge your support to pass ***An Act Relative to Adoptions*** (S.1046/H.1975). The Children's League of Massachusetts (CLM) is a statewide non-profit association of 60 children and family service provider organizations, including adoption providers, such as the Massachusetts Adoption Resource Exchange and Child and Family Services, who work in partnership with the Commonwealth to secure timely and successful adoptions statewide. Our members are deeply embedded in our communities and understand what it takes to support the most critical needs of children and families.

OVERVIEW: Background/Legal Basis

Massachusetts Law - As you may know, Massachusetts law does not require an in-court proceeding to finalize an adoption. Birth parents can be unable or reluctant to participate in court proceedings because of mental health, domestic violence, substance abuse, poverty/finances, and other challenges. For many years, Trial Court judges had approved adoptions from out-of-state birth parents so long as the parties complied with the laws of Massachusetts.

Recent Change in Interpretation - Recently, a western Massachusetts judge interpreted Massachusetts' adoption statute, and the previously settled area of adoption case law, to require that the adoption be executed in accordance with the laws of the state where the child was surrendered ("sending state"). An April 2024 letter to courts agreed with that analysis, resulting in all Massachusetts courts applying the "sending state's" law and prohibited a Massachusetts form from being used by out-of-state birth parents unless it was signed in Massachusetts.



PROBLEM: The recently revised interpretation creates unnecessary obstacles to the adoption process.

Some other states - Some states have more onerous processes for adoptions, for example, Maine - a sending state for many children that Massachusetts families adopt. Unlike Massachusetts law, Maine courts may require an in-court proceeding for an adoption. (*Me. Rev. Stat. Ann. tit. 18-C, § 9-308*). So, whether Massachusetts courts are permitted to apply Massachusetts law has serious, practical implications. (*The Boston Globe covered the issue in Nov. 2024 here:*

<https://www.bostonglobe.com/2024/11/18/opinion/judges-throw-wrench-massachusetts-adoptions/>

SOLUTION: S. 2835 permits Massachusetts courts to apply Massachusetts law, removing unnecessary burdens to approve adoptions and ensure timely resolution for children and families.

This bill codifies that an adoption outside of the Commonwealth shall be valid if it was taken in accordance with the laws of the Commonwealth or the laws of the place where the child was surrendered from, thereby preventing what can become unnecessary burdens of trauma, finances, stress, and safety.

Please move this bill forward expeditiously to resolve this unnecessary barrier to timely adoptions. Please feel free to contact me with any questions or concerns. On behalf of CLM and our members, thank you for your continued support for the Commonwealth's children and families.

Sincerely,

Rachel Gwaltney
Executive Director
Children's League of Massachusetts
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