

HOUSE No. 2235

The Commonwealth of Massachusetts

PRESENTED BY:

Kay Khan

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 adoption of the accompanying bill:

An Act relative to the reinstatement of parental rights.

PETITION OF:

NAME:

Kay Khan

George T. Ross

DISTRICT/ADDRESS:

11th Middlesex

2nd Bristol

HOUSE No. 2235

By Ms. Khan of Newton, a petition (accompanied by bill, House, No. 2235) of Kay Khan and George T. Ross relative to the reinstatement of parental rights when a court determines that adoption is no longer the permanency plan. The Judiciary.

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act relative to the reinstatement of parental rights.

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, as so appearing the Official Edition of 2008, is
2 hereby amended by inserting the 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 that entered the order to reinstate in
7 full the parental rights of one or both of the child’s former parents. The child shall sign the
8 petition in the absence of a showing of good cause as to why the child could not do so. The court
9 shall order that an evidentiary hearing be held and give notice of the hearing to the child’s former
10 parent or parents as prescribed in section 24 of chapter 119. The court shall grant the petition if
11 it determines by a preponderance of evidence that reinstatement of parental rights is in the
12 child’s best interests. The court shall specify in writing the factual basis for its determination. If
13 the court grants the petition, the order dispensing with the need for the parent to receive notice of

14 or to consent to the adoption, guardianship, or custody of, or other disposition regarding, that
15 child shall be deemed vacated.

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