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Adoption of Susan
Mass., 1993.

Supreme Judicial Court of Massachusetts, Suffolk.
ADOPTION of SUSAN.
Argued May 4, 1993.
Decided Sept. 10, 1993.

Child's natural mother and her female partner filed joint petition for adoption. After transferring case from probate and family court on its own motion, the Supreme Judicial Court held that statute governing adoptions did not prevent probate court from considering joint petition to adopt brought by child's natural mother and her female partner.

So ordered.


West Headnotes

[1] Adoption 17 

17 Adoption

17k4 k. Persons Who May Adopt Others. **Most Cited Cases**

Statute governing adoptions did not prevent probate court from considering joint petition to adopt brought by child's natural mother and her female partner. *M.G.L.A. c. 210, § 1* et seq.


[2] Adoption 17 

17 Adoption

17k9 Judicial Proceedings

17k13 k. Examination and Approval by Court. **Most Cited Cases**

Probate court has jurisdiction to consider variety of adoption petitions to determine whether proposed adoption is in child's best interests. *M.G.L.A. c. 210, § 1* et seq.

[3] Adoption 17 

17 Adoption

17k9 Judicial Proceedings

17k13 k. Examination and Approval by Court. **Most Cited Cases**

Evidentiary hearing was required to determine whether necessary written consents and other preconditions to adoption were obtained, and whether adoption would be in best interests of child. *M.G.L.A. c. 210, § 1* et seq.

****324 *1003** Mary L. Bonauto, Boston, for petitioners.

Toni G. Wolfman, Stefanie D. Cantor, Michael A. Albert & Sarah R. Wunsch, Boston, for Civ. Liberties Union of Massachusetts, amicus curiae, submitted a brief.

Before LIACOS, C.J., and WILKINS, ABRAMS, NOLAN, LYNCH, O'CONNOR and GREANEY, JJ.

RESCRIPT.

This matter arises from a reservation and report, pursuant to *G.L. c. 215, § 13* (1992 ed.), by a Probate and Family Court judge on a question concerning that court's jurisdiction to consider a joint petition for adoption by the child's natural mother and her female partner. We transferred the case to this court on our own motion and conclude that the jurisdictional issue in this case is controlled by *Adoption of Tammy, ante* 416 Mass. 205, 619 N.E.2d 315 (1993), decided today.

[1][2] There is nothing on the face of *G.L. c. 210* (1992 ed.), the statute governing adoptions, that prevents the Probate Court from considering a joint petition to adopt brought by unmarried petitioners like the two women in this case. The provision in *§ 1* that requires married persons to adopt jointly does not by its terms apply to unmarried persons. The statute does not otherwise expressly require or prohibit joinder by any person. The Probate Court thus has jurisdiction to consider a variety of adoption petitions to determine whether a proposed adoption is in the subject child's best interests. *Adoption of*

Tammy, supra.

[3] The judge in this case did not hold an evidentiary hearing to determine whether the necessary written consents and other preconditions to adoption have been obtained, or whether the requested adoption would be in the best interests of Susan. Accordingly, this case is remanded to the Probate and Family Court for further proceedings pursuant to G.L. c. 210.

For the reasons stated in *Adoption of Tammy, supra* at 217, 619 N.E.2d at 321, Justices Nolan, Lynch and O'Connor do not join in this opinion.

So ordered.

Mass., 1993.
Adoption of Susan
416 Mass. 1003, 619 N.E.2d 323

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