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January 10, 2006

Senator Cynthia Creem
State Senate
Rep. Frank Smizik
House of Representatives
State House
Boston, Massachusetts 02133

Dear Senator Creem and Rep. Smizik:

As you know, I am an independent contractor with the Committee for Public Counsel Services. A number of my cases involve representing parents or children with Department of Social Services ("DSS") involvement.

For the past five years I have represented a young girl ("N" born in February 1992). Because of her birth mother's substance abuse issues, N was born cocaine addicted and was removed from her mother when she was about 9 months old. Parental rights were terminated eventually. DSS placed her, a younger half sister and an unrelated boy with a family who ultimately adopted the three of them. N was with this family from the age of about 2-1/2 until they returned her to DSS custody when she was almost 7. This was from April 1994 until December 1999, when they signed a surrender agreement returning her to DSS. At the time DSS did nothing to investigate these people or require any ongoing visits with her half sister. These people refused to participate in a "goodbye" visit for her, her half sister and adopted brother. They moved out of state and did not respond to letters from the program N was in.

After being hospitalized for awhile, N lived in a residential placement for the past five years. As a result of seeing her picture in the Boston Globe one Sunday, an adoptive family came forward last Spring, and N has been living with them since early November. They are wonderful people and everyone involved in this case is so very grateful to them for giving this very needy child a home.

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While she was waiting for a family, N. decided she did not wish to continue to be identified with the last name of the people who rejected her and returned her to DSS custody. She asked me to get her name changed back to her biological name. I investigated, went to probate court and got her name changed back to her birth name.

HOWEVER, I was informed that her birth certificate could not be changed unless she was adopted again. I was told the only way to change the birth certificate was to move to vacate the adoption, which would involve notifying all parties involved, publication where the case began, etc. etc.

I am writing you, as my representatives, but more importantly as public officials charged with the overall responsibility for all citizens of this great state, to look into this issue and find a way of changing the law so that children like my client, N, are able to re-gain some control over their lives when mistakes are made that they had nothing to do with.

While N hopefully is going to be adopted within the next year, there are other children I am sure in similar situation that would benefit greatly from a revision of the law to reflect that if they are returned to DSS, (and it happens more often than DSS likes to admit-at one time I had three cases involving returned children), that they, these returned children, perhaps at the age of 14 or 16, should have the right to have their name changed on their birth certificate back to their biological name if they are in DSS custody as the result of a surrender.

Right now N is in DSS custody under G.L. 119, section 23, a care and responsibility case. It would seem that this section could be amended to incorporate this issue.

Thank you in advance for assisting these children.