*Adoption of Jacob*, [99 Mass. App. Ct. 258](http://masscases.com/cases/app/99/99massappct258.html) (March 1, 2021) (Massing, J.)

Summary by Rebecca Amdemariam, CAFL Training Unit

In *Adoption of Jacob*, the Appeals Court affirmed a judgment terminating parental rights and dismissing a guardianship filed on behalf of paternal grandparents who had temporary custody of the child. The Court also affirmed that the trial court did not abuse its discretion approving the Department’s proposed adoption plan which did not identify a specific family for placement. Along with filing for appeal of the care and protection case, both parents, the child and grandparents appealed the denial of the guardianship petition. The parties argued that 1) the judge erred in excluding the grandparents from the court room during portions of the termination trial, and 2) that the department’s proposed plan of adoption by recruitment submitted to the court was inadequate. The Appeals Court found no error in the trial judge’s decision to sequester the grandparents after the “…grandfather appeared to be coaching the father during his testimony and the judge could reasonably conclude that the grandparents’ presence during the testimony of the mother and an aunt might interfere with their ability to testify fully and frankly.” The court further stated that, “Indeed, some testimony relevant to the grandparents’ ability to care for Jacob was elicited during their absence, and in hindsight, the judge could have taken a broader view in determining which portions of the care and protection proceedings had potential relevance to the guardianship petition. Nonetheless, we decline to disturb the adjudication of the guardianship petition, in large measure because of the grandparents’ failure to object to the conduct of the proceedings.” Having found that the grandparents did have the right to participate as parties in the guardianship proceedings, the Appeals Court rejected their due process argument.

On the argument that the Department’s plan being insufficiently developed to warrant approval, the court distinguished this case from the *Adoption of Varik* and *Adoption of Dora* where Jacob was found to be “a happy well adjusted twenty month old child” who “had no special or specific needs” and it was not necessary for further detailed adoption planning to meet his needs. The Court further stated that “As Jacob did not require any particular type of adoptive parents or home environment, any effort by the department to provide more detail may have been counterproductive, narrowing the field of potential adoptive homes” and affirmed approval of the Department’s plan for adoption recruitment.