

MASSACHUSETTS APPEALS COURT

Adoption of Doretta

No. 24-P-712 (Mass. App. Ct. Jan. 30, 2026) · No. AC 24-P-712 · Decided January 30, 2026

SUMMARY

The Massachusetts Appeals Court considers appeals by parents and one child from decrees terminating the parents' parental rights after a care and protection trial. The principal issues concern the father's requests for self-representation, the mother's requests for substitute counsel or self-representation, and the sufficiency of the evidence supporting the findings of parental unfitness. The court affirms the decrees and concludes that the father's requests to represent himself were not properly exercised, while the mother's lack of competence to waive counsel supported denial of her requests.

CASE DETAILS

COURT	Massachusetts Appeals Court
WRITING FOR THE COURT	Hershfang, J.; Shin, J.; Grant, J.
JURISDICTION	Massachusetts Appeals Court
DECIDED	January 30, 2026
DOCKET	AC 24-P-712
DISPOSITION	affirmed
PROCEDURAL POSTURE	The father, mother, and child Erik appealed from Juvenile Court decrees finding the parents unfit and terminating their parental rights. The father challenged the denial of his requests for self-representation and access to case records; the mother challenged the denial of requests for new counsel or self-representation; and the appellants challenged the sufficiency of the evidence. Erik also appealed an order denying an amended and renewed motion to reopen the evidence.
STANDARD OF REVIEW	The denial of the father's requests for self-representation was reviewed de novo, with substantial deference to the trial judge's factual findings concerning loss of the right to counsel. Termination findings were reviewed with substantial deference and reversed only for clearly erroneous findings, clear error of law, or abuse of discretion. The judge's factual findings had to be supported by clear and convincing evidence based on subsidiary findings proved by at least a fair preponderance of the evidence.

PRECEDENTIAL VALUE	published
PARTIES	father, mother, Erik v. Department of Children and Families, Doretta, Daniel

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QUESTIONS PRESENTED

1. Whether the father had a constitutional or statutory right to represent himself in the care and protection and parental-rights termination proceedings and, if so, whether the Juvenile Court properly denied his requests.
2. Whether the father had a right to represent himself on appeal.
3. Whether the mother's due process rights were violated by periods without appointed counsel or by the denial of her requests for substitute counsel or self-representation.
4. Whether clear and convincing evidence supported the findings that the parents were unfit and that termination of parental rights was in the children's best interests.
5. Whether denial of the father's requests for case records and trial transcripts violated his due process rights.

HOLDINGS

1. The court did not decide whether a parent has a constitutional right to self-representation in a care and protection proceeding because, assuming such a right exists, the father's request was properly denied.
2. The father's pretrial request to represent himself was not unequivocal, and his requests made after trial began could be denied in the trial judge's discretion.
3. The father had no constitutional right to self-representation on appeal under the Federal Constitution, and the Appeals Court properly exercised its discretion to deny his eleventh-hour request.
4. The Juvenile Court did not violate the mother's due process rights by denying her requests for substitute counsel or self-representation, and no error appeared in the two status hearings held while she was temporarily without counsel.
5. The evidence supported the findings that both parents were unfit and that termination of their parental rights was in the children's best interests.
6. The denial of the father's requests for case records and trial transcripts did not violate due process or prevent meaningful participation at trial.

KEY QUOTATIONS

“Parents facing the permanent loss of their children in care and protection cases have both a constitutional right to counsel, which is grounded in the Fourteenth Amendment to the United States Constitution and in art. 10 of the Massachusetts Declaration of Rights, and a statutory right to counsel.” (at 18)

“In the case before us, however, we need not decide whether parents have a constitutional right of self-representation in care and protection cases because, if such a right exists, the father did not properly exercise that right.” (at 20)

“Even if the father's interest in representing himself was constitutionally protected, in the circumstances of this case the judge did not err in denying the father that opportunity.” (at 25)

“the judge was not required to grant the parents an indefinite opportunity to reform” (at 31)

FACTUAL BACKGROUND

The parents had three children with significant mental health, developmental, and educational needs, including one child with severe autism who substantially improved in a specialized residential educational program. The Juvenile Court found that the father's rigid, disruptive, and allegedly deceptive behavior impaired his ability to obtain and cooperate with services, while the mother was largely dependent on the father and failed to engage independently with the department or service providers. The parents repeatedly opposed or undermined services and did not acknowledge deficiencies in their parenting. The father repeatedly sought to represent himself and sought expanded standby-counsel assistance, while the mother sought new counsel or self-representation despite a court clinic opinion that she lacked the relevant competence.

PROCEDURAL HISTORY

The Department of Children and Families filed a care and protection petition in the Hampden County Division of the Juvenile Court Department in September 2021. After the parents failed to comply with conditions of conditional custody, the Juvenile Court awarded the department temporary custody; following trial, the court placed the children in the department's permanent custody and terminated the parents' rights. The Appeals Court affirmed the decrees and the order denying the motion to reopen the evidence.

DISPOSITION

affirmed

CASES CITED

- Care & Protection of Doretta, 101 Mass. App. Ct. 584 (2022)
- Adoption of Raissa, 93 Mass. App. Ct. 447, 452, 455 (2018)
- Commonwealth v. Means, 454 Mass. 81, 88-89 (2009)
- Faretta v. California, 422 U.S. 806, 821, 836 (1975)
- Martinez v. Court of Appeal of California, 528 U.S. 152, 154, 162-163 (2000)
- Adoption of Don, 435 Mass. 158, 168-169 (2001)
- Department of Pub. Welfare v. J.K.B., 379 Mass. 1, 3-5 (1979)

- Care & Protection of Stephen, 401 Mass. 144, 149 (1987)
- Care & Protection of Quinn, 54 Mass. App. Ct. 117, 121 (2002)
- Custody of a Minor, 375 Mass. 733, 746 (1978)
- Commonwealth v. Mott, 2 Mass. App. Ct. 47, 49 n.2, 51-52 (1974)
- Commonwealth v. Najjar, 96 Mass. App. Ct. 569, 578-581 (2019)
- Commonwealth v. Chavis, 415 Mass. 703, 712 (1993)
- Commonwealth v. Chapman, 8 Mass. App. Ct. 260, 265-267 (1979)
- Commonwealth v. Conefrey, 410 Mass. 1, 11-12 (1991)
- Adoption of Ilona, 459 Mass. 53, 59, 61 (2011)
- Adoption of Arianne, 104 Mass. App. Ct. 716, 720 (2024)
- Adoption of Xarissa, 99 Mass. App. Ct. 610, 615 (2021)
- Adoption of Nancy, 443 Mass. 512, 515 (2005)
- Adoption of Quentin, 424 Mass. 882, 886 n.3, 887 (1997)
- Care & Protection of Vick, 89 Mass. App. Ct. 704, 709 (2016)
- Adoption of Eduardo, 57 Mass. App. Ct. 278, 282-283 (2003)
- Adoption of Carla, 416 Mass. 510, 519-520 (1993)
- Adoption of Cadence, 81 Mass. App. Ct. 162, 169 (2012)
- Custody of Michel, 28 Mass. App. Ct. 260, 270 (1990)
- Commonwealth v. Saferian, 366 Mass. 89, 96 (1974)
- Commonwealth v. Moran, 17 Mass. App. Ct. 200, 204 (1983)