

HOUSE No. 1399

The Commonwealth of Massachusetts

PRESENTED BY:

Colleen M. Garry

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 passage of the accompanying bill:

An Act increasing parental involvement with childcare.

PETITION OF:

NAME:

Colleen M. Garry

DISTRICT/ADDRESS:

36th Middlesex

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 1459 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT INCREASING PARENTAL INVOLVEMENT WITH CHILDCARE.

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 28 of Chapter 208 of the General Laws, as so appearing, is hereby amended by
2 inserting at the end of the first paragraph the following:—
3 When the court makes an order or judgment for maintenance or support of a child or children hereunder,
4 the court shall determine whether childcare services are deemed necessary by the custodial parent and
5 whether the non-custodial parent is available and capable of providing all or part of said childcare. If the
6 court determines that the non-custodial parent is available, capable, and desirous of providing all or part
7 of said childcare for the child or children for whom support is ordered, the court shall include in its order
8 provisions allowing the non-custodial parent the right to provide such child care. Nothing in this section
9 shall be deemed to authorize entry by the non-custodial parent into the home of the custodial parent for
10 the purposes of childcare. A change in the availability of the non-custodial parent to provide childcare
11 shall constitute a material and substantial change in circumstances for purposes of modification of
12 existing judgments.

13 SECTION 2. Section 9 of Chapter 209C of the General Laws, as so appearing, is hereby amended by
14 inserting at the end of subsection (a) the following:—
15 When the court makes an order or judgment for maintenance or support of a child or children, said court
16 shall determine whether day care services are deemed necessary by the custodial parent and whether the
17 non-custodial parent is available, capable, and desirous of providing all or part of said child care. When
18 the court has determined that the non-custodial parent is available, capable, and desirous of providing
19 child care for the child or children for whom support is ordered, the court shall include in its orders
20 provisions allowing the non-custodial parent the right to provide said child care. Nothing in this section
21 shall be deemed to authorize entry by the non-custodial parent into the home of the custodial parent for
22 the purposes of childcare. A change in the availability of the non-custodial parent to provide childcare
23 shall constitute a material and substantial change in circumstances for purposes of modification of
24 existing judgments.
25 Ch. 208, sec. 28 refers to support orders as part of divorce.
26 Ch. 209C, see 9 refers to support orders for children born out of wedlock.