

HOUSE No. 02258

The Commonwealth of Massachusetts

PRESENTED BY:

Alice Hanlon Peisch

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 relative to parental choice of terminology in certain domestic relations matters.

PETITION OF:

NAME:

Alice Hanlon Peisch

DISTRICT/ADDRESS:

14th Norfolk

HOUSE No. 02258

By Ms. Peisch of Wellesley, a petition (accompanied by bill, House, No. 2258) of Peisch relative to parental choice in child custody agreements Joint Committee on the Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
□ HOUSE
□ , NO. 1599 OF 2009-2010.]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act relative to parental choice of terminology in certain domestic relations matters.

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. Chapter 208 of the General Laws is hereby amended by inserting after Section 31,
- 2 a new section as follows: -
- 3 Section 31B. Parental rights and responsibilities; parenting plans; use of terms.
- 4 1. In agreements relative to custody or parenting plans pursuant to section 31 of this chapter, the
- 5 parties may use alternative terms if they specifically agree to do so in writing. The following
- 6 terms may be substituted, the definitions of which are identical to the terms contained in section
- 7 31. Any provision of law or court order or court rule that allocates “parental rights and
- 8 responsibilities” shall correspond to the definitions of custody as provided in section 31 and any

9 provision of law or court order or court rule that refers to the “custody” of minor children shall
10 correspond to the definitions in this section.

11 2. For the purposes of this chapter, the following words shall have the following meaning unless
12 the context requires otherwise:

13 “Sole decision making responsibility,” one parent shall have the right and responsibility to make
14 major decisions regarding the child’s welfare including matters of education, medical care and
15 emotional, moral and religious development. This term corresponds with “sole legal custody.”

16 “Shared decision making responsibility,” continued mutual responsibility and involvement by
17 both parents in major decisions regarding the child’s welfare including matters of education,
18 medical care and emotional, moral and religious development. This term corresponds with
19 “shared legal custody.”

20 “Primary residential responsibility,” a child shall reside with and be under the supervision of one
21 parent, subject to reasonable time with the other parent, unless the court determines that such
22 time with the other parent would not be in the best interest of the child. This term corresponds
23 with “sole physical custody.”

24 “Shared residential responsibility,” a child shall have periods of residing with and being under
25 the supervision of each parent; provided, however, that such periods shall be shared by the
26 parents in such a way as to assure a child frequent and continued contact with both parents. This
27 term corresponds with “shared physical custody.”

28 “Parental rights and responsibilities” means all rights and responsibilities parents have
29 concerning their child, including decision-making responsibility and residential responsibility.
30 This term corresponds with “custody.”

31

32 “Parenting plan” means a written plan describing the rights and responsibilities of each parent. A
33 parenting plan may include, without limitation, provisions relating to:

34 (a) decision-making responsibility and residential responsibility;

35 (b) information sharing and access, including telephone and electronic access;

36 (c) legal residence of a child for school attendance;

37 (d) parenting schedule, including

38 (1) holiday, birthday and vacation planning,

39 (2) weekends, including holidays and school in-service days preceding or following weekends;

40 (e) transportation and exchange of the child;

41 (f) relocation of parents;

42 (g) the safety of the child and of the parents;

43 (h) procedure for review and adjustment of the plan; and

44 (i) methods for resolving disputes.