

HOUSE No. 3718

The Commonwealth of Massachusetts

PRESENTED BY:

Linda Dean Campbell, (BY REQUEST)

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 adoption of the accompanying bill:

An Act relative to child custody orders.

PETITION OF:

NAME:

DISTRICT/ADDRESS:

Melissa Ferris

HOUSE No. 3718

By Mrs. Campbell of Methuen (by request), a petition (accompanied by bill, House, No. 3718) of Melissa Ferris relative to child custody orders. The Judiciary.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act relative to child custody orders.

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 31A of chapter 209C of the General Laws is hereby amended by
2 striking out the third paragraph.

3 SECTION 2. Said section 31A is hereby further amended by adding the following 2
4 paragraphs:-

5 Notwithstanding any provision of this section or any other general or special law to the
6 contrary, a court shall not issue a temporary or permanent order awarding sole custody, shared
7 legal custody or shared physical custody to a parent against whom an active order pursuant to
8 chapter 209A or chapter 258E was issued as a result of a complaint filed by the other parent
9 pursuant to said chapter 209A or said chapter 258E, unless the parent who filed such complaint
10 consents to the custody award. A court shall not issue a permanent order awarding sole custody,
11 shared legal custody or shared physical custody: (i) during the pendency of a complaint filed by
12 1 parent against the other pursuant to said chapter 209A or said chapter 258E; or (ii) if 1 parent is

13 awarded a temporary relief order against the other without notice pursuant to section 4 of said
14 chapter 209A or section 5 of said chapter 258E, until such time as the defendant has been
15 provided an opportunity to be heard on the question of continuing the temporary relief order.

16 If, after an award for custody has been issued pursuant to this section, an order is issued
17 against 1 parent as a result of a complaint filed by the other parent pursuant to said chapter 209A
18 or said chapter 258E, the court shall revisit the custody award and modify it as necessary to
19 conform to the requirements of the preceding paragraph.

20 SECTION 3. Subsection (e) of section 10 of chapter 209C of the General Laws, as
21 appearing in the 2016 Official Edition, is hereby amended by striking out the third paragraph.

22 SECTION 4. Section 10 of chapter 209C of the General Laws, as appearing in the 2016
23 Official Edition, is hereby further amended by adding the following subsection:-

24 (f) Notwithstanding any provision of this section or any other general or special law to
25 the contrary, a court shall not issue a temporary or permanent order awarding sole custody,
26 shared legal custody or shared physical custody to a parent against whom an active order
27 pursuant to chapter 209A or chapter 258E was issued as a result of a complaint filed by the other
28 parent pursuant to said chapter 209A or said chapter 258E, unless the parent who filed such
29 complaint consents to the custody award. A court shall not issue a permanent order awarding
30 sole custody, shared legal custody or shared physical custody: (i) during the pendency of a
31 complaint filed by 1 parent against the other pursuant to said chapter 209A or said chapter 258E;
32 or (ii) if 1 parent is awarded a temporary relief order against the other without notice pursuant to
33 section 4 of said chapter 209A or section 5 of said chapter 258E, until such time as the defendant

34 has been provided an opportunity to be heard on the question of continuing the temporary relief
35 order.

36 If, after an award for custody has been issued pursuant to this section, an order is issued
37 against 1 parent as a result of a complaint filed by the other parent pursuant to said chapter 209A
38 or said chapter 258E, the court shall revisit the custody award and modify it as necessary to
39 conform to the requirements of this subsection.