

SENATE No. 63

The Commonwealth of Massachusetts

PRESENTED BY:

Harriette L. Chandler

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.

PETITION OF:

NAME:

Harriette L. Chandler

DISTRICT/ADDRESS:

First Worcester

SENATE No. 63

By Ms. Chandler, a petition (accompanied by bill, Senate, No. 63) of Harriette L. Chandler for legislation relative to child custody. Children, Families and Persons with Disabilities.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 45 OF 2013-2014.]

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

An Act relative to child custody.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 208 of the General Law, as appearing in the 2012 Official Edition, is hereby
2 amended by inserting after section 31A the following section:-

3 31B. If a parent makes a good faith allegation based on a reasonable belief supported by
4 facts that the child is the victim of child abuse, child neglect, or the effects of domestic violence,
5 and if that parent acts lawfully and in good faith in response to that reasonable belief to protect
6 the child or seek treatment for the child, then that parent shall not be deprived of custody,
7 visitation or contact with the child, or restricted in custody, visitation or contact, based solely on
8 that belief or the reasonable actions taken based on that belief. If an allegation that a child is
9 abused is supported by a preponderance of the evidence, then the court shall consider such
10 evidence of abuse in determining the visitation arrangement that is in the best interest of the

11 child, and the court shall not place a child in the custody of a parent who presents a substantial
12 risk of harm to that child, and shall state on the record how such findings were factored into the
13 determination.