

By Mr. Cusack of Arlington (by request), petition of the Fathers United for Equal Justice, Inc., relative to establishing the rights of both parents to retain equal legal custody of their minor children following separation or divorce. The Judiciary.

**The Commonwealth of Massachusetts**

In the Year One Thousand Nine Hundred and Seventy-Nine.

AN ACT ESTABLISHING THE RIGHTS OF BOTH PARENTS TO RETAIN EQUAL LEGAL CUSTODY OF THEIR MINOR CHILDREN FOLLOWING SEPARATION OR DIVORCE.

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

1 The General Laws are hereby amended by modifying all related  
2 chapters including chapter 208 to include the following  
3 paragraph: —

4 In any court proceeding, which is not accompanied by an agree-  
5 ment signed by both parents which defines their preference regard-  
6 ing legal custody of their minor children, it shall be the  
7 presumption of the court in any and all orders made by the court  
8 that legal custody and jurisdiction of the minor children shall  
9 remain equally with and be equally shared by both parents. Legal  
10 custody shall be considered independent of residential and the  
11 shared living arrangements of the minor children. In the event the  
12 court finds the legal custody arrangements to be unacceptable, it  
13 shall make an order which stipulates that legal custody and  
14 jurisdiction of the minor children shall remain equally with both  
15 parents.

