

By Mr. DiMasi of Boston, petition of Salvatore F. DiMasi relative to the custody of children in certain cases. The Judiciary.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-Two.

AN ACT RELATIVE TO AWARDS OF 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 Laws is hereby amended by striking
2 out Section 31, as most recently amended by chapter 238 of the acts
3 of 1977, and inserting in place thereof the following section: —

4 *Section 31.* In making a judgment relative to the custody of a
5 child, the rights of the parents shall be held to be equal and the best
6 interests of the child shall determine custody or possession.

7 The court's determination of the best interests of the child in
8 entering any judgment as to care and custody shall be made after
9 hearing witnesses, if any, of each party and after review of all other
10 proper evidence. The following criteria shall be considered: the age
11 of the child and the parties; the physical and emotional health of
12 the child and the parties; the school performance of the child; the
13 special interests and activities of the child; the ability of each party
14 to foster the growth and development of the child; the ability of
15 each party to provide continuity and stability of environment; the
16 relationship and attachments of the child to the parties, the par-
17 ents, siblings and any other person who may have a significant
18 effect upon the child; and the ability of each party to cooperate
19 with those persons to whom the child has such relationship and
20 attachments and to provide them access to the child. The court may
21 also consider the expressed preferences of the child, provided that
22 the court has found such child to be of sufficient age and
23 understanding to express such a preference; the motivation of the
24 parties seeking custody; the length of time the child has resided in a
25 party's environment; the employment of each party; the amount of

26 time spent away from the home by each party and the adequacy of
27 child care arrangements; the geographical accessibility of persons
28 to whom the child has a significant relationship and attachment
29 and any other factor the court considers of relevance to its
30 determination of custody.

31 The entry of an order or judgment relative to the custody of
32 minor children shall not negate or impede the ability of the parent
33 not granted custody to have such access to the academic, medical
34 and hospital or other health records of the child as he or she would
35 have had if the custody order or judgment had not been entered.