

[Similar Matter Filed During Past Session —
See House No. 2666 of 1982]

SENATE No. 940

By Mr. Doane, a petition (accompanied by bill, Senate, No. 940) of Paul V. Doane, Thomas K. Lynch and Haden G. Greenhalgh for legislation to provide for the sharing of custody, visitation and domicile of children in separation or divorce proceedings. The Judiciary.

The Commonwealth of Massachusetts

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

AN ACT PROVIDING FOR THE SHARING OF CUSTODY, VISITATION AND
DOMICILE OF CHILDREN.

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 Massachusetts General Laws is hereby
- 2 amended by striking out sections 19 and 31 and inserting in
- 3 place thereof the following section: —
- 4 In all separation or divorce proceedings involving minor
- 5 children, it shall be a presumption of the court that both par-
- 6 ents shall share temporary/final legal and physical custody of
- 7 the children, unless one or both parents are proven to be unfit
- 8 to such an extent that such arrangements would cause perma-
- 9 nent damage to the children or unless one or both parents
- 10 abandon the children or voluntarily relinquish shared custody.
- 11 It shall be the presumption of the court that an agreement
- 12 signed by both parents defining the shared arrangements shall
- 13 be the order of the court. Only after the parents have at-
- 14 tempted and failed to reach an agreement on the shared living
- 15 arrangements of the children shall the court determine the
- 16 shared arrangements. It shall be a presumption in all court
- 17 orders that the children shall spend as close as possible to
- 18 equal time with each parent and that the children's access to
- 19 each parent as well as the access to each parent to the children
- 20 shall not be impeded.

Dear Mr. ...

MEMORANDUM FOR THE RECORD

Subject: ...

On ...

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Very truly yours,