

By Mr. LoPresti, a petition (accompanied by bill, Senate, No. 929) of Michael LoPresti, Jr., Carol C. Amick, William R. Keating and Frederick E. Berry for legislation relative to the custody of minor children. The Judiciary.

The Commonwealth of Massachusetts

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

AN ACT RELATIVE TO CUSTODY OF MINOR 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 SECTION 1. Section 31 of chapter 208 of the General Laws,
2 as appearing in the 1986 Official Edition, is hereby amended by
3 inserting after the first sentence in the first paragraph the following
4 sentence: —

5 The causing or inflicting or repeated acts of abuse, or a single
6 act of serious abuse of one parent by the other, other than in self-
7 defense, shall constitute misconduct, and shall create a rebuttable
8 presumption that it is not in the best interest of the child to be
9 in the physical or legal custody, either shared or sole, of the parent
10 causing or inflicting such abuse.

1 SECTION 2. Section 31 of chapter 208 of the General Laws,
2 as appearing in the 1986 Official Edition is hereby amended in
3 the first sentence of the second paragraph, after the word
4 "conditions" by striking the words "abuse and neglect" and
5 inserting in place thereof the following words: — abuse, neglect
6 or such abuse of one parent by the other as set forth in paragraph 1
7 of this section.

1 SECTION 3. Section 19 of chapter 208 of the General Laws,
2 as appearing in the 1986 Official Edition is hereby amended by
3 adding the following paragraph: —

4 In making any orders for visitation pursuant to this section

5 otherwise in the best interest of the child, if the court finds that
6 one parent has abused the other, it shall make such orders that
7 best protect the child and the abused spouse from further harm.

1 SECTION 4. Section 28 of chapter 208 of the General Laws,
2 as appearing in the 1986 Official Edition is hereby amended by
3 adding the following paragraph: —

4 In making any orders for visitation pursuant to this section,
5 otherwise in the best interest of the child, if the court finds that
6 one parent has abused the other, it shall make such orders that
7 best protect the child and the abused spouse from further harm.