

HOUSE No. 1102.

Commonwealth of Massachusetts.

HOUSE OF REPRESENTATIVES, March 3, 1904.

The committee on Probate and Chancery, to whom was referred the petition (with accompanying bill, House, No. 272) of Harold P. Moseley for legislation relative to the custody of minor children, report the accompanying bill.

For the committee,

W. H. WOODHEAD.

Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Four.

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 four of chapter one hun-
2 dred and forty-five of the Revised Laws, as
3 amended by chapter four hundred and seventy-
4 four of the acts of the year nineteen hundred and
5 two, is hereby amended by inserting after the
6 word "may," in the eleventh line, the words:—
7 on the consent in writing of the parents, or sur-
8 viving parent; and by inserting after the word
9 "custody," in the twelfth line, the words:— and
10 may so order, — so as to read as follows:—

11 *Section 4.* The guardian of a minor, unless
12 sooner discharged according to law, shall con-
13 tinue in office until the minor arrives at the age
14 of twenty-one years, and he shall have the cus-
15 tody and tuition of his ward and the care and
16 management of all his estate, except that the

17 parents of the minor, jointly, if living, and in case
18 of the death of either, the surviving parent, they
19 being, respectively, competent to transact their
20 own business, shall be entitled to the custody of
21 the person of the minor and to the care of his
22 education; but the probate court may, on the con-
23 sent in writing of the parents, or surviving parent,
24 order that the guardian shall have such custody;
25 and may so order if, upon a hearing and after
26 such notice to the parents or surviving parent
27 as it may order, it finds such parents or parent
28 to be unfit to have such custody, or if it finds one
29 of them unfit therefor, and the other files in such
30 court his or her consent in writing to such order.

1 SECTION 2. This act shall take effect upon its
2 passage.

