

By Mr. Angelo of Saugus, petition of Steven Angelo for legislation to regulate the custody of children in certain divorce proceedings. The Judiciary.

The Commonwealth of Massachusetts

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

AN ACT RELATIVE TO THE CUSTODY 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 Section 31 of chapter 208 of the General Laws is hereby
2 amended by striking the second, third, fourth, fifth, and sixth
3 paragraphs and inserting in place thereof the following: —

4 In making an order or judgment relative to the custody of
5 children, the rights of the parents shall be held to be equal and
6 there shall be a presumption that the equal status of both parents
7 relative to custody is in the best interest of the minor children.

8 Upon the filing of an action in accordance with the provisions
9 of this section, Section Twenty-eight of this chapter or Section
10 Thirty-two of Chapter Two Hundred and Nine and until a
11 judgment on the merits is rendered, absent emergency conditions,
12 the parents shall have temporary legal custody and temporary
13 shared physical custody of any minor child of the marriage;
14 provided, however, that the judge may enter an order for
15 temporary sole legal and physical custody for one parent if specific
16 written findings are made that such shared custody would not be
17 in the best interest of the child. There shall be a presumption that
18 temporary shared legal and physical custody is in the best interest
19 of any minor child of the marriage.

20 There shall be a presumption in favor of shared legal and
21 physical custody at the time of the trial on the merits and any
22 other custody award shall be based on specific written findings
23 by the judge.

