

By Mr. Fallon of Malden, petition of Christopher G. Fallon relative to child care in divorce proceedings. The Judiciary.

The Commonwealth of Massachusetts

In the Year Two Thousand and Three.

AN ACT TO ENHANCE THE AVAILABILITY AND QUALITY OF CHILD CARE.

*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 28 of Chapter 208 of the General Laws,  
2 as so appearing, is hereby amended by inserting at the end of the  
3 first paragraph the following:—

4 When the court makes an order or judgment for custody, visita-  
5 tion, maintenance or support of a child or children hereunder, the  
6 court shall determine whether child care is deemed necessary by  
7 the custodial parent and whether the non-custodial parent is avail-  
8 able and capable of providing all or part of said child care. If the  
9 court determines that the non-custodial parent is available,  
10 capable, and desirous of providing all or part of said child care for  
11 the child or children for whom support is ordered the court shall  
12 include in its order or judgment provisions allowing the non-cus-  
13 todial parent the right to provide such child care. Nothing in this  
14 section shall be deemed to authorize entry by the non-custodial  
15 parent into the home of the custodial parent for the purposes of  
16 child care. A change in the availability or capacity of the non-cus-  
17 todial parent to provide child care shall constitute a material and  
18 substantial change in circumstances for purposes of modification  
19 of an existing judgment or order.

1 SECTION 2. Section 9 of Chapter 209C of the General Laws,  
2 as so appearing, is hereby amended by inserting at the end of sub-  
3 section (a) the following:—

4 When the court makes an order or judgment for custody, visita-  
5 tion, maintenance or support of a child or children hereunder, the

6 court shall determine whether child care is deemed necessary by  
7 the custodial parent and whether the non-custodial parent is avail-  
8 able and capable of providing all or part of said child care. If the  
9 court determines that the non-custodial parent is available,  
10 capable, and desirous of providing all or part of said child care for  
11 the child or children for whom support is ordered, the court shall  
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13 todial parent the right to provide such child care. Nothing in this  
14 section shall be deemed to authorize entry by the non-custodial  
15 parent into the home of the custodial parent for the purposes of  
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