

**SENATE . . . . . No. 1596**

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**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Nine**  
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An Act relative to child custody..

*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. Notwithstanding any general or special law to the contrary, except as in  
2 accordance with the provisions of Section 2 of this act, if a party has been granted custody of a  
3 minor child, the court shall not modify the order granting custody of the child so long as the  
4 party meets all of the following criteria

5           He or she is a member of the Massachusetts National Guard

6           He or she is a resident of Massachusetts

7           He or she has been called to active duty

8           SECTION 2. A court may modify an order granting custody of a minor child to a party  
9 who has met the criteria set forth in Section 1 if the court determines that modifying the order is  
10 in the best interest of the child and either of the following applies:

11           The party has died while on active duty with the armed forces of the United States.

12           The party is no longer able to provide adequate care for the child consistent with the  
13 court's determination of the best interest of the child.