

SENATE No. 1596

The Commonwealth of Massachusetts

PRESENTED BY:

Stephen J. Buoniconti

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to child custody.

PETITION OF:

NAME:

Stephen J. Buoniconti

DISTRICT/ADDRESS:

Hampden

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

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 accordance
2 with the provisions of Section 2 of this act, if a party has been granted custody of a minor child, the court
3 shall not modify the order granting custody of the child so long as the party meets all of the following
4 criteria

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

6 (b) He or she is a resident of Massachusetts

7 (c) 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 who has
9 met the criteria set forth in Section 1 if the court determines that modifying the order is in the best interest
10 of the child and either of the following applies:

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

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