HOUSE DOCKET, NO. 1402 FILED ON: 1/20/2011

HOUSE . . . . . No. 1305

The Commonwealth of Massachusetts

PRESENTED BY:

Colleen M. Garry

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 adoption of the accompanying bill:

An Act increasing parental involvement with childcare.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Colleen M. Garry	*36th Middlesex*
Denise Andrews	*2nd Franklin*
Thomas A. Golden, Jr.	*16th Middlesex*
David B. Sullivan	*6th Bristol*
John P. Fresolo	*16th Worcester*
Bruce E. Tarr	

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HOUSE . . . . . No. 1305

By Ms. Garry of Dracut, a petition (accompanied by bill, House, No. 1305) of Colleen M. Garry and others relative to child care involvement of non-custodial parents. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. *1399* OF 2009-2010.]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act increasing parental involvement with childcare.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 28 of Chapter 208 of the General Laws, as so appearing, is hereby amended by inserting at the end of the first paragraph the following:— When the court makes an order or judgment for maintenance or support of a child or children hereunder, the court shall determine whether childcare services are deemed necessary by the custodial parent and whether the non-custodial parent is available and capable of providing all or part of said childcare. If the court determines that the non-custodial parent is available, capable, and desirous of providing all or part of said childcare for the child or children for whom support is ordered, the court shall include in its order provisions allowing the non-custodial parent the right to provide such child care. Nothing in this section shall be deemed to authorize entry by the non-custodial parent into the home of the custodial parent for the purposes of childcare. A change in the availability of the

11 non-custodial parent to provide childcare shall constitute a material and substantial change in
12 circumstances for purposes of modification of existing judgments.

13 SECTION 2. Section 9 of Chapter 209C of the General Laws, as so appearing, is hereby
14 amended by inserting at the end of subsection (a) the following:— When the court makes an
15 order or judgment for maintenance or support of a child or children, said court shall determine
16 whether day care services are deemed necessary by the custodial parent and whether the non-
17 custodial parent is available, capable, and desirous of providing all or part of said child care.
18 When the court has determined that the non-custodial parent is available, capable, and desirous
19 of providing child care for the child or children for whom support is ordered, the court shall
20 include in its orders provisions allowing the non-custodial parent the right to provide said child
21 care. Nothing in this section shall be deemed to authorize entry by the non-custodial parent into
22 the home of the custodial parent for the purposes of childcare. A change in the availability of the
23 non-custodial parent to provide childcare shall constitute a material and substantial change in
24 circumstances for purposes of modification of existing judgments. Ch. 208, sec. 28 refers to
25 support orders as part of divorce. Ch. 209C, see 9 refers to support orders for children born out
26 of wedlock.