HOUSE DOCKET, NO. 420 FILED ON: 1/12/2017

HOUSE . . . . . No. 946

The Commonwealth of Massachusetts

PRESENTED BY:

John H. Rogers

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 relative to child custody.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
John H. Rogers	*12th Norfolk*	*1/12/2017*
Angelo M. Scaccia	*14th Suffolk*	*2/3/2017*

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HOUSE . . . . . No. 946

By Mr. Rogers of Norwood, a petition (accompanied by bill, House, No. 946) of John H. Rogers and Angelo M. Scaccia relative to child custody arrangements of military personnel. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. *1564* OF 2015-2016.]

The Commonwealth of Massachusetts

In the One Hundred and Ninetieth General Court
(2017-2018)

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:

SECTION 1. Section 31 of chapter 208 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by inserting, in line 2, after the word "otherwise" the following 3 definitions:-

"Deployment" the temporary transfer of a member of the Armed forces in active-duty status in support of combat or some other military operation.

"Mobilization" the transfer of a member of the National Guard or Military Reserve to extended active-duty status, but does not include National Guard or Military Reserve annual training.

"Temporary duty" the transfer of a service member from one military base to a different location, usually another base, for a limited period of time to accomplish training or to assist in the performance of a noncombat mission.

SECTION 2. Said section 31 of said chapter 208 of the General Laws, as appearing in the 2010 Official Edition, is hereby further amended by inserting the following paragraphs:-

A party's absence, relocation, or failure to comply with custody and visitation orders shall not be considered in determining the modification of a custody or visitation order if the reason for the absence, relocation, or failure to comply is the party's activation to military duty or temporary duty, mobilization in support of combat or other military operation, or military deployment out of state.

If a party with sole or joint physical custody or visitation receives temporary duty, deployment, or mobilization orders from the military that require the party to move a substantial distance from his or her residence or otherwise has a material effect on the ability of the party to exercise custody or visitation rights, the court may do either of the following:

1) Issue a temporary custody or visitation order for the period extending from the date of the party's departure to the date of his or her return. This temporary custody or visitation order shall terminate upon the return of the party, at which time the prior custody or visitation order shall return to effect.

2) Issue an order delegating all or part of the party's visitation rights to a family member or step-parent with whom the child has a close relationship, for the purpose of ensuring that the child's contact with the party is frequent and continued while the party is deployed,

mobilized, or on temporary duty, if the court finds that delegating visitation rights is in the best interest of the child.

If a party's deployment, mobilization, or temporary duty will have a material effect on his or her ability, or anticipated ability to appear in person at a regularly scheduled hearing, the court shall do either of the following:

1) Upon motion of the party, hold an expedited hearing to determine custody and visitation issues prior to the departure of the party.

2) Upon motion of the party, allow the party to present testimony and evidence by electronic means, including, but not limited to, telephone, video teleconferencing, or the internet.