

SENATE No. 976

The Commonwealth of Massachusetts

PRESENTED BY:

Barry R. Finegold, (BY REQUEST)

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 orders.

PETITION OF:

NAME:

DISTRICT/ADDRESS:

Melissa Ferris

SENATE No. 976

By Mr. Finegold (by request), a petition (accompanied by bill, Senate, No. 976) of Melissa Ferris for legislation relative to child custody orders. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 1013 OF 2021-2022.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act relative to child custody orders.

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. Subsection (e) of section 10 of chapter 209C of the General Laws, as
2 appearing in the 2020 Official Edition, is hereby amended by striking out the third paragraph
3 thereof.

4 SECTION 2. Said section 10 of said chapter 209C is hereby further amended by inserting
5 after subsection (e) the following new subsection:-

6 (f) Notwithstanding any provision of this section or any other general or special law to
7 the contrary, a court shall not issue a temporary or permanent order awarding sole custody,
8 shared legal custody or shared physical custody to a parent against whom an active order
9 pursuant to chapter 209A or chapter 258E was issued as a result of a complaint filed by the other
10 parent pursuant to said chapter 209A or said chapter 258E, unless the parent who filed such

11 complaint consents to the custody award. A court shall not issue a permanent order awarding
12 sole custody, shared legal custody or shared physical custody: (i) during the pendency of a
13 complaint filed by 1 parent against the other pursuant to said chapter 209A or said chapter 258E;
14 or (ii) if 1 parent is awarded a temporary relief order against the other without notice pursuant to
15 section 4 of said chapter 209A or section 5 of said chapter 258E, until such time as the defendant
16 has been provided an opportunity to be heard on the question of continuing the temporary relief
17 order.

18 If, after an award for custody has been issued pursuant to this section, an order is issued
19 against 1 parent as a result of a complaint filed by the other parent pursuant to said chapter 209A
20 or said chapter 258E, the court shall revisit the custody award and modify it as necessary to
21 conform to the requirements of this subsection.