

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Joan Meschino

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 to increase efficiency in custody determinations.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Joan Meschino</i>	<i>3rd Plymouth</i>	<i>1/8/2025</i>

HOUSE No.

[Pin Slip]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Fourth General Court
(2025-2026)**

An Act to increase efficiency in custody determinations.

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. Section 26 of Chapter 119 of the General Laws is hereby amended by adding
2 after subsection (b)(2)(i) the following subsections:-

3 (A) Upon transferring permanent legal custody to a parent, the court shall determine
4 whether or not jurisdiction in the juvenile proceeding should be terminated.

5 (B) When the court transfers custody to a parent under this section, the court shall either
6 cause the order to be filed in an existing civil action relating to the custody of the juvenile in the
7 probate and family court or, if there is no other civil action, instruct the clerk to treat the order as
8 the initiation of a civil action for custody.

9 The order shall resolve any pending claim for custody in the probate and family court and
10 shall constitute a modification of any custody order previously entered in the action.

11 If the court’s order initiates a civil action in the probate and family court, the probate and
12 family court shall designate the parties to the action and determine the most appropriate caption

13 for the case. The civil filing fee is waived unless the probate and family court orders one or more
14 of the parties to pay the filing fee for a civil action. The order shall constitute a custody
15 determination, and any motion to enforce or modify the custody order shall be filed in the newly
16 created civil action in the probate and family court in accordance with the provisions of Chapters
17 208 or 209C. The Administrative Office of the Courts may adopt rules and shall develop and
18 make available appropriate forms for establishing a civil file to implement this section.

19 (C) When entering an order under this section, the court shall satisfy the following:

20 (1) Make findings and conclusions that support the entry of a custody order in an action
21 under Chapter 208 or 209C or, if the child is already the subject of a custody order entered
22 pursuant to Chapter 208 or 209C, makes findings and conclusions that support modification of
23 that order.

24 (2) Make a finding that there is not a need for continued State intervention on behalf of
25 the child through a juvenile court proceeding.

26 Section 2. Section 26 of Chapter 119 of the General Laws is hereby amended by inserting
27 after the first sentence in subsection (c) the following sentence:-

28 When permanent custody of the child is transferred to a parent and entered as an order in
29 a probate and family court action in accordance with subparagraphs (2)(i)(A-C) of this section,
30 the parties respective rights to review and redetermination shall end.