

**JOINT COMMITTEE ON THE JUDICIARY  
BILL SUMMARY**

**BILL NO.** H1674

**TITLE:** An Act protecting survivors of rape and their children

**SPONSOR:** Rep. Michelle M. DuBois and Carmine L. Gentile

**COSPONSOR(S):** None

**HEARING DATE:** June 10, 2025

**PRIOR HISTORY:** H1521 (2023-2024)  
H1600 (2021-2022)  
H3295 (2019-2020)

**SENATE BILL:** S1069 (DiDomenico)

**CURRENT LAW:** Section 31 of Chapter 208 of the General Laws sets the standards and considerations for the court when making an order or judgment relative to the custody of children. The rights of the parents are to be held equal in the absence of misconduct and custody will be determined by the happiness and welfare of the child. The court shall consider in its determination whether the child’s present and past living conditions adversely affect their physical, mental, moral or emotional health. Upon filing an action and until a judgment is rendered the parents have temporary shared legal custody of any minor child absent emergency conditions or abuse or neglect. Temporary sole legal custody may be ordered if shared custody would not be in the best interest of the child.

Section 3 of Chapter 209C outlines court jurisdiction for parentage, support, custody and visitation matters. It further prohibits any court from making an order giving visitation rights to a parent who has been convicted of murder in the first degree of the other parent unless the child is old enough and assents to the visitation. Visitation is further prohibited if a parent is convicted of rape and the child is the product of that rape unless the child is old enough to properly assent and it is in the best interest of the child.

Section 10 of Chapter 209C permits a court to award custody of a nonmarital child to either parent or another suitable person as may be appropriate in the best interests of the child. It lays out the procedures and standards for making these determinations including the requirement to consider evidence of past or present abuse toward

the parent or child as a factor contrary to the best interest of the child. A finding, by a preponderance of the evidence, that a pattern or serious incident of abuse has occurred creates a rebuttable presumption that custody with the abusive parent is not in the best interest of the child.

Section 3 of Chapter 210 outlines the procedures and standards a court must use when ruling on adoption cases. This includes dispensing with parental consent to adoption and terminating parental rights if in the best interest of the child. There are a variety of factors for consideration when determining fitness to assume parental responsibility including financial conditions, abandonment, substance abuse, incarceration and mental illness.

**BILL SUMMARY:**

Section 1 – Adds to Section 3 of Chapter 209C a prohibition against ordering visitation for a variety of indecent assault crimes and enticement to rape crimes. It further expands the prohibition to include not just convictions but a continued without a finding disposition or a finding by clear and convincing evidence that the crime was committed, regardless of whether a charge was brought against the perpetrator.

Section 2 – Adds to Section 10 of Chapter 209C a prohibition against an order of custody for a parent who was convicted of a crime of rape, enticement to rape or indecent assault. This prohibition also includes a continued without a finding disposition or finding by clear and convincing evidence that the crime was committed, regardless of whether a charge was brought against the perpetrator.

Section 3 – Adds a new Section 31B to Chapter 208 which includes a prohibition against a court ordering custody or visitation rights to a parent convicted of a crime of rape, enticement to rape or indecent assault. This prohibition also includes a continued without a finding disposition or finding by clear and convincing evidence that the crime was committed, regardless of whether a charge was brought against the perpetrator.

Section 4 – Adds language to Section 3 of Chapter 210 creating an irrebuttable presumption that a parent is unfit if they have been convicted of a crime of rape, enticement to rape or indecent assault. This prohibition also includes a continued without a finding disposition or finding by clear and convincing evidence that the crime was committed, regardless of whether a charge was brought against the perpetrator.