HOUSE DOCKET, NO. 2790 FILED ON: 1/21/2011

# HOUSE . . . . . No. 2258

The Commonwealth of Massachusetts

PRESENTED BY:

***Alice Hanlon Peisch***

*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 passage of the accompanying:

An Act relative to parental choice of terminology in certain domestic relations matters.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: |
|---|---|
| *Alice Hanlon Peisch* | *14th Norfolk* |

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# HOUSE . . . . . No. 2258

By Ms. Peisch of Wellesley, a petition (accompanied by bill, House, No. 2258) of Alice Hanlon Peisch relative to parental choice in child custody agreements. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
HOUSE
, NO. *1599* OF 2009-2010.]

## The Commonwealth of Massachusetts

An Act relative to parental choice of terminology in certain domestic relations matters.

*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. Chapter 208 of the General Laws is hereby amended by inserting after Section 31, a new section as follows: -

Section 31B. Parental rights and responsibilities; parenting plans; use of terms.

1. In agreements relative to custody or parenting plans pursuant to section 31 of this chapter, the parties may use alternative terms if they specifically agree to do so in writing. The following terms may be substituted, the definitions of which are identical to the terms contained in section 31. Any provision of law or court order or court rule that allocates "parental rights and responsibilities" shall correspond to the definitions of custody as provided in section 31 and any provision of law or court order or court rule that refers to the "custody" of minor children shall correspond to the definitions in this section.

2. For the purposes of this chapter, the following words shall have the following meaning unless the context requires otherwise:

"Sole decision making responsibility," one parent shall have the right and responsibility to make major decisions regarding the child's welfare including matters of education, medical care and emotional, moral and religious development. This term corresponds with "sole legal custody."

17 "Shared decision making responsibility," continued mutual responsibility and
18 involvement by both parents in major decisions regarding the child's welfare including matters
19 of education, medical care and emotional, moral and religious development. This term
20 corresponds with "shared legal custody."

21 "Primary residential responsibility," a child shall reside with and be under the supervision
22 of one parent, subject to reasonable time with the other parent, unless the court determines that
23 such time with the other parent would not be in the best interest of the child. This term
24 corresponds with "sole physical custody."

25 "Shared residential responsibility," a child shall have periods of residing with and being
26 under the supervision of each parent; provided, however, that such periods shall be shared by the
27 parents in such a way as to assure a child frequent and continued contact with both parents. This
28 term corresponds with "shared physical custody."

29 "Parental rights and responsibilities" means all rights and responsibilities parents have
30 concerning their child, including decision-making responsibility and residential responsibility.
31 This term corresponds with "custody."

32

33 "Parenting plan" means a written plan describing the rights and responsibilities of each
34 parent. A parenting plan may include, without limitation, provisions relating to:

35 (a) decision-making responsibility and residential responsibility;

36 (b) information sharing and access, including telephone and electronic access;

37 (c) legal residence of a child for school attendance;

38 (d) parenting schedule, including

39 (1) holiday, birthday and vacation planning,

40 (2) weekends, including holidays and school in-service days preceding or following
41 weekends;

42 (e) transportation and exchange of the child;

43 (f) relocation of parents;

44 (g) the safety of the child and of the parents;

45 (h) procedure for review and adjustment of the plan; and

46 (i) methods for resolving disputes.