SENATE DOCKET, NO. 1576 FILED ON: 1/18/2013

SENATE . . . . . No. 45

The Commonwealth of Massachusetts

PRESENTED BY:

Harriette L. Chandler

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 child custody.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Harriette L. Chandler	*First Worcester*
Matthew A. Beaton	*11th Worcester*
Michael O. Moore	*Second Worcester*
Gale D. Candaras	*First Hampden and Hampshire*
Jennifer L. Flanagan	*Worcester and Middlesex*

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SENATE . . . . . No. 45

By Ms. Chandler, a petition (accompanied by bill, Senate, No. 45) of Harriette L. Chandler, Matthew A. Beaton, Michael O. Moore, Gale D. Candaras and others for legislation relative to child custody. Children, Families and Persons with Disabilities.

The Commonwealth of Massachusetts

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:

Chapter 208 of the General Law is hereby amended by inserting after section 31A the following section:-

31B. If a parent makes a good faith allegation based on a reasonable belief supported by facts that the child is the victim of child abuse, child neglect, or the effects of domestic violence, and if that parent acts lawfully and in good faith in response to that reasonable belief to protect the child or seek treatment for the child, then that parent shall not be deprived of custody, visitation or contact with the child, or restricted in custody, visitation or contact, based solely on that belief or the reasonable actions taken based on that belief. If an allegation that a child is abused is supported by a preponderance of the evidence, then the court shall consider such evidence of abuse in determining the visitation arrangement that is in the best interest of the child, and the court shall not place a child in the custody of a parent who presents a substantial risk of harm to that child, and shall state on the record how such findings were factored into the determination