

HOUSE No. 1599

The Commonwealth of Massachusetts

PRESENTED BY:

Eugene L. O'Flaherty

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 bill:

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

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Eugene L. O'Flaherty	2nd Suffolk
John D. Keenan	7th Essex

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

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:

1 SECTION 1. Chapter 208 of the General Laws is hereby amended by inserting after Section 31, a new
2 section as follows: -

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

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

10 For the purposes of this chapter, the following terms shall, unless the context clearly requires otherwise,
11 have the following meanings:

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

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

19 “Primary residential responsibility,” a child shall reside with and be under the supervision of one
20 parent, subject to reasonable time with the other parent, unless the court determines that such

21 time with the other parent would not be in the best interest of the child. This term corresponds
22 with “sole physical custody.”

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

27 “Parental rights and responsibilities,” all rights and responsibilities parents have concerning their child,
28 including decision-making responsibility and residential responsibility. This term corresponds with
29 “custody.”

30 “Parenting plan,” a written plan describing the rights and responsibilities of each parent. A parenting plan
31 may include, without limitation, provisions relating to:

- 32 (1) decision-making responsibility and residential responsibility;
- 33 (2) information sharing and access, including telephone and electronic access;
- 34 (3) legal residence of a child for school attendance;
- 35 (4) parenting schedule, including
 - 36 (i) holiday, birthday and vacation planning,
 - 37 (ii) weekends, including holidays and school in-service days preceding or following
38 weekends;
- 39 (5) transportation and exchange of the child;
- 40 (6) relocation of parents;
- 41 (7) the safety of the child and of the parents;
- 42 (8) procedure for review and adjustment of the plan; and
- 43 (9) methods for resolving disputes.