

Prime sponsor: **Senator Stephen Buoniconti (D)**  
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SENATE DOCKET, NO. 1362      FILED ON: 1/9/2009

SENATE . . . . . No. 1596

The Commonwealth of Massachusetts

\_\_\_\_\_

PRESENTED BY:

Stephen J. Buoniconti

\_\_\_\_\_

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 child custody.

\_\_\_\_\_

Name:

District/Address:

Stephen J. Buoniconti

Hampden

The Commonwealth of Massachusetts

\_\_\_\_\_

In the Year Two Thousand and Nine

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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:

SECTION 1. Notwithstanding any general or special law to the contrary, except as in accordance with the provisions of Section 2 of this act, if a party has been granted custody of a minor child, the court shall not modify the order granting custody of the child so long as the party meets all of the following criteria

- (a) He or she is a member of the Massachusetts National Guard
- (b) He or she is a resident of Massachusetts
- (c) He or she has been called to active duty

Section 2. A court may modify an order granting custody of a minor child to a party who has met the criteria set forth in Section 1 if the court determines that modifying the order is in the best interest of the child and either of the following applies:

- (a) The party has died while on active duty with the armed forces of the United States.
- (b) The party is no longer able to provide adequate care for the child consistent with the court's determination of the best interest of the child.