

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Cynthia Stone Creem

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 relating to parental choice of terminology in certain domestic relations matters.

PETITION OF:

NAME:

Cynthia Stone Creem

DISTRICT/ADDRESS:

First Middlesex and Norfolk

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT RELATING 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.

2 Chapter 208 of the General Laws is hereby amended by inserting after Section
3 31, a new section as follows: -

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

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

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

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

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

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

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

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

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

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

