

## **AN ACT RELATIVE TO SHARED PARENTING**

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. Section 31 of Chapter 208 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking out the sixth paragraph, beginning in line 10, through the eighth paragraph, ending in line 41, and inserting in place thereof the following two new paragraphs:—

In making an order or judgment relative to the custody of children, the rights of the parents shall, in the absence of misconduct that is harmful to the child, be held to be equal.

Upon the filing of an action in accordance with the provisions of this section, section twenty-eight of this chapter, or section thirty-two of chapter two hundred and nine and until a judgment on the merits is rendered, the parents shall have temporary shared legal custody and temporary shared physical custody of any minor child of the marriage; provided, however, that the judge may enter an order for temporary sole legal and/or physical custody for one parent if, following an evidentiary hearing, the court found with clear and convincing evidence that such shared custody would seriously harm the child and written findings are made accordingly.

SECTION 2. Section 31 of chapter 208 is further amended by striking out the tenth paragraph beginning in line 47 in its entirety and inserting in place thereof the following paragraph:-

At the time of the trial on the merits, there shall be a rebuttable presumption in favor of shared legal and physical custody.