

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

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Tuesday, January 5, 1999

Your bill from last session (1997 SB-433) was the companion bill to 1997 AB-751. The drafting instructions for AB-751 requested that visitation be prohibited with a parent or other person who had killed a child's parent. The request was based on a Massachusetts law that prohibited a court from ordering such visitation.

In the course of drafting AB-751, it appears that the issue of custody never came up. Although it is very unlikely that a situation would arise in which a child's parent who had killed the child's other parent would petition a court for custody of the child, and very unlikely that a court would grant custody of a child to a parent who had killed the child's other parent, neither is impossible under current law. Would you like to address custody in this draft?

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