

# SENATE . . . . No. 283

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To accompany the petition of Edward L. Schwartz that provision be made for the uniform reciprocal enforcement of support. Legal Affairs.

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## The Commonwealth of Massachusetts

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In the Year One Thousand Nine Hundred and Fifty-Three.

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### AN ACT PROVIDING FOR THE UNIFORM RECIPROCAL ENFORCEMENT OF SUPPORT.

*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 273A of the General Laws  
2 is hereby amended by striking out the title, as appear-  
3 ing in section 1 of chapter 657 of the acts of 1951 and  
4 inserting in place thereof the following title:—  
5 Uniform Reciprocal Enforcement of Support.

1 SECTION 2. Section 1 of said chapter 273A is  
2 hereby amended by inserting after the definition of  
3 "Responding state" the following definition:—

4 "State", includes any state, territory or possession  
5 of the United States and the District of Columbia  
6 in which this or a substantially similar reciprocal law  
7 has been enacted.

1 SECTION 3. Said chapter 273A is hereby further  
2 amended by inserting after section 3 the following  
3 two sections:—

4    *Section 3A.* The governor of this state (1) may  
5 demand from the governor of any other state the  
6 surrender of any person found in such other state  
7 who is charged in this state with the crime of failing  
8 to provide for the support of any person in this state  
9 and (2) may surrender on demand by the governor  
10 of any other state any person found in this state who is  
11 charged in such other state with the crime of failing  
12 to provide for the support of a person in such other  
13 state. The provisions for extradition of criminals not  
14 inconsistent herewith shall apply to any such demand  
15 although the person whose surrender is demanded  
16 was not in the demanding state at the time of the  
17 commission of the crime and although he had not fled  
18 therefrom. Neither the demand, the oath nor any  
19 proceedings for extradition pursuant to this section  
20 need state or show that the person whose surrender is  
21 demanded has fled from justice, or at the time of the  
22 commission of the crime was in the demanding or  
23 other state.

24    *Section 3B.* Any obligor contemplated by section  
25 three A, who submits to the jurisdiction of the court  
26 of such other state and complies with the court's order  
27 of support, shall be relieved of extradition for deser-  
28 tion or non-support entered in the courts of this state  
29 during the period of such compliance.

1    SECTION 4. Said chapter 273A is hereby further  
2 amended by striking out section 4 and inserting in  
3 place thereof the following section:—

4    *Section 4.* Duties of support enforceable under  
5 this chapter are those imposed under the laws of any  
6 state where the obligor was present during the period  
7 for which support is sought. The obligor is presumed

8 to have been present in the responding state during  
9 the period for which support is sought until otherwise  
10 shown.

1 SECTION 5. Section 5 of said chapter 273A is  
2 hereby amended by adding at the end the words  
3 “and of obtaining continuing support” so as to read  
4 as follows:— *Section 5.* Whenever any state or  
5 a political subdivision thereof has furnished support  
6 to an obligee, it shall have the same right to commence  
7 proceedings under this chapter as the obligee to whom  
8 the support was furnished, so that it may secure  
9 reimbursement for expenditures so made and of  
10 obtaining continuing support.

1 SECTION 6. Section 6 of said chapter 273A is  
2 hereby amended by adding at the end the following  
3 sentence:— The petitioner may include in or attach  
4 to the petition any information which may help in  
5 locating or identifying the respondent including, but  
6 without limitation by enumeration, a photograph of  
7 the respondent, a description of any distinguishing  
8 marks of his person, other names and aliases by which  
9 he has been or is known, the name of his employer,  
10 his fingerprints, or social security number.

1 SECTION 7. Said chapter 273A is hereby further  
2 amended by inserting after section 7 the following  
3 section:—

4 *Section 7A.* A petition on behalf of a minor  
5 obligee may be brought by a person having legal  
6 custody of the minor without appointment as guardian  
7 ad litem.

1 SECTION 8. Said chapter 273A is hereby further  
2 amended by striking out section 8 and inserting in  
3 place thereof the following three sections: —

4 *Section 8.* If the judge of the probate court finds  
5 that the petition sets forth facts from which it may be  
6 determined that the respondent owes a duty of sup-  
7 port, and that a court of a responding state may  
8 obtain jurisdiction of the respondent or his property,  
9 he shall so certify, and shall cause three copies of the  
10 petition, the certificate and this act to be transmitted  
11 to the court of the responding state. If the name and  
12 address of such court is unknown and the responding  
13 state has an information agency comparable to that  
14 established in the initiating state it shall cause such  
15 copies to be transmitted to the state information  
16 agency or other proper official of the responding state,  
17 with a request that it forward them to the proper court,  
18 and that the court of the responding state acknowledge  
19 their receipt to the court of the initiating state.

20 *Section 8A.* When the court of this state, acting  
21 either as an initiating or responding state, has reason  
22 to believe that the respondent may flee the jurisdiction  
23 it may (a) request in its certificate that the court of  
24 the responding state obtain the body of the respondent  
25 by appropriate process if that be permissible under the  
26 law of the responding state; or (b) as a responding  
27 state, obtain the body of the respondent by appropriate  
28 process.

29 *Section 8B.* The attorney general is hereby desig-  
30 nated as the state information agency under this act,  
31 and it shall be his duty: —

32 (1) To compile a list of the courts and their ad-  
33 dresses in this state having jurisdiction under this act  
34 and transmit the same to the state information agency

35 of every other state which has adopted this or a  
36 substantially similar act.

37 (2) To maintain a register of such lists received  
38 from other states and to transmit copies thereof as  
39 soon as possible after receipt to every court in this  
40 state having jurisdiction under this act.

1 SECTION 9. Said chapter 273A is hereby further  
2 amended by inserting after section 9 the following  
3 section: —

4 *Section 9A.* If the probate court is unable to obtain  
5 jurisdiction of the respondent or his property due to  
6 inaccuracies or inadequacies in the petition, com-  
7 plaint or otherwise, the court shall communicate this  
8 fact to the court in the initiating state, shall on its  
9 own initiative use all means at its disposal to trace  
10 the respondent or his property, and shall hold the case  
11 pending the receipt of more accurate information or  
12 an amended petition from the court in the initiating  
13 state.

1 SECTION 10. Section 12 of said chapter 273A is  
2 hereby amended by striking out clause (b) and in-  
3 serting in place thereof the following two clauses: —

4 (b) on recommendation by the register of probate,  
5 or other interested person, or on its own motion, to  
6 punish a respondent who shall violate any order of  
7 the court to the same extent as is provided by law for  
8 contempt in any suit or proceeding.

9 (c) to require the respondent to furnish recog-  
10 nizance in the form of a cash deposit or bond of such  
11 character and in such amount as the court may deem  
12 proper to assure payment of any amount required to  
13 be paid by the respondent.

1 SECTION 11. Section 17 of said chapter 273A is  
2 hereby amended by striking out the last sentence and  
3 inserting in place thereof the following two sentences:  
4 — The probate court, in proceedings under this chap-  
5 ter in which the commonwealth is acting either as the  
6 initiating or responding state, may in its discretion  
7 direct that any part of or all fees and costs incurred  
8 in this commonwealth, including without limitation  
9 by enumeration, fees for filing, service of process,  
10 seizure of property, and stenographic service of both  
11 petitioner and respondent, or either, shall be paid by  
12 the county. Where the action is brought by or through  
13 the state or any agency thereof, there shall be no filing  
14 fee.

1 SECTION 12. Said chapter 273A is hereby further  
2 amended by adding after section 17 the following  
3 section: —  
4 *Section 18.* If the petitioner is without counsel  
5 in this commonwealth, the court, in its discretion and  
6 on its own motion, may direct the district attorney of  
7 the district in which the respondent is living or found  
8 to represent the petitioner, or may appoint local  
9 counsel to represent the petitioner and, in the latter  
10 case, may fix the fee of such counsel and cause the  
11 same to be included in the taxation of costs.



